Public Health Code of Indiana

Chapter 157, Acts of 1949
Indiana General Assembly

INDIANA STATE BOARD OF HEALTH
1330 West Michigan Street
Indianapolis

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CHAPTER 157

ACTS OF 1949

AN ACT concerning public health, providing for State and local health officials and personnel, prescribing their powers and duties, establishing a public health code and providing for the administration of public health laws, prescribing penalties, repealing certain laws, and declaring an emergency.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. This act shall be known as the "Public Health Code of Indiana."

SEC. 2. Any action or proceeding commenced before this act takes effect, and any right accrued, shall not be affected by this act but all procedure thereafter taken therein shall conform to the provisions of this act as far as possible.

SEC. 3. The provisions of this act in so far as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations, and not as new enactments.

SEC. 4. Unless the provision or the context otherwise requires the definitions herein contained shall govern the construction of this act.

SEC. 5. The present tense includes the past and future tenses, and the future the present unless otherwise provided. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural the singular. "Oath" includes affirmation.

SEC. 6. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, or municipality, or his legal representative or agent, unless this act expressly provides otherwise.

"State Board" means the State Board of Health of Indiana.

"Secretary" means the secretary of the state board or his legally authorized agent.

SEC. 7. "Full-time local health department" means a full-time city health department, a full-time county health department, a full-time joint city-county health department, or a full-time multiple-county health department.

"Appropriate" court, board, or officer refers to the court, board, or officer within whose jurisdiction it is legal to act.

ARTICLE 1. ADMINISTRATION OF PUBLIC HEALTH

Part 1. State Board of Health

Division 1. Organization

SEC. 100. The State Board of Health as created and provided for by Section 1 of Chapter 352 of the Acts of 1945 shall be and continue as the State Board of Health and nothing in this act shall be construed as repealing or superseding said Section 1 of Chapter 352 of the Acts of 1945.

SEC. 101. The state board shall meet at least once in each two (2) month period in the city of Indianapolis and as often in addition as they may deem expedient. A majority shall constitute a quorum for the transaction of business, and a per diem of ten dollars ($10.00) per day and actual expenses incurred shall be allowed for the attendance upon meetings to each member. The members shall choose one of their number for chairman, who shall serve for two (2) years, unless his term of office as a member of the board shall sooner expire.

SEC. 102. The secretary of the state board shall by virtue of his office be state health commissioner and the executive officer of the board.

SEC. 103. The secretary of the state board shall be appointed by the state board of health with the approval of the governor. He shall serve for a term of four years. The original term of the present secretary expiring January 15, 1949 is preserved. The next term shall expire January 15, 1953 and each term thereafter shall be for a period of four years. He shall be able bodied, hold an unlimited license to practice medicine in Indiana or be eligible for such license, be thoroughly informed and experienced in public health administration, temperate, not addicted to drugs and of good moral character.

SEC. 104. The secretary shall devote full time to the duties of his office, shall not engage in private medical practice, nor engage actively in any business. He shall take an oath of office before entering upon the discharge of his duties.

SEC. 105. The secretary may be removable by the state board for cause and any vacancy in said office for whatever reason shall be filled by appointment by the state board with approval of the governor, for the unexpired term thereof.

SEC. 106. The secretary shall receive a salary in an amount to be fixed by the state board with the approval of the governor.

SEC. 107. The secretary shall appoint subject to the provisions of the Indiana Personnel Act all employees of the state board, and fix the salaries of all employees of the state board, subject to the confirmation of the state board.

SEC. 108. The secretary may, subject to the approval of the state board, organize the personnel and functions of the state board into divisions and subdivisions to carry out his powers and duties and the powers

and duties of the state board and may consolidate, divide or abolish from time to time such divisions and subdivisions as may be necessary to carry out such powers and duties.

Division 2. Powers and Duties

SEC. 200. The state board of health is the superior health board of the state, to which all other health boards are subordinate.

SEC. 201. The state board shall have supervision of the health and life of the citizens of the state and shall possess all powers necessary to fulfill the duties prescribed in the statutes and to bring action in the courts for the enforcement of health laws and health rules.

SEC. 202. The state board may establish, operate and maintain branch offices, the number of which shall be determined by the board, the purpose and intent in authorizing the creation of said branch offices being to furnish a more comprehensive and effective health program to the people of the state and further to render additional assistance to all local health officials. The legislative intent of this provision is to authorize such establishment as a means of assisting, but in no sense limiting the powers now possessed by all existing local health agencies.

SEC. 203. For the purpose of providing facilities for branch offices the state board may, with the approval of the governor purchase real estate. For such purpose real estate may be leased. Structures may be remodeled, repaired, constructed and maintained except that no building may be constructed upon property not owned in fee simple by the state. All deeds and leases shall be made to the State of Indiana for the use of the state board of health. Such procedures and powers shall be exercised under the provisions of Chapter 279 of the Acts of 1947 where the same are applicable.

SEC. 204. The state board shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people.

SEC. 205. The state board may make sanitary inspections and surveys in all parts of the state and of all public buildings and institutions; and, after due notice, may enter upon and inspect private property in regard to the presence of cases of infectious and contagious diseases and the possible cause and source of diseases.

SEC. 206. The state board may establish quarantine and may do and execute what is reasonable and necessary for the prevention and suppression of disease.

SEC. 207. The state board may order schools and churches closed and forbid public gatherings when deemed necessary to prevent and stop epidemics.

SEC. 208. The state board may make an order condemning or abating conditions causative of disease.

SEC. 209. The state board may enforce all laws and regulations concerning the character and location of plumbing, drainage, water supply, disposal of sewage, lighting, heating and ventilation and all sanitary features of all public buildings and institutions. It may make regulations concerning any of the above in all instances where jurisdiction is not vested in some other state agency.

SEC. 210. The state board shall provide facilities and personnel for investigation, research and dissemination of knowledge to the public concerning the health of persons of middle and advanced age and diseases common thereto, concerning dental public health and also concerning conditions in all places of employment within the state which may be responsible for the development of occupational diseases.

SEC. 211. On or before the first day of September, the state board shall make an annual report to the governor of its transactions and expenditures for the preceding fiscal year, with suggestions in regard to legislation deemed important to the public health.

SEC. 212. The state board may by an affirmative vote of a majority of its members establish and from time to time amend and repeal reasonable rules in order to protect or to improve the public health in this state. The rules may concern but shall not be limited to:

1. nuisances dangerous to public health.
2. the pollution of any water supply other than where jurisdiction is in the Stream Pollution Control Board.
3. the disposition of excremental and sewage matter.
4. the control of fly and mosquito breeding places.
5. the detection, reporting, prevention, and control of diseases which affect public health.
6. the care of maternity and infant cases and the conduct of maternity homes.
7. the production, distribution, and sale of human food.
8. the conduct of camps.
9. standards of cleanliness of eating facilities for the public.
10. standards of cleanliness of sanitary facilities offered for public use.
11. the handling, disposal, disinterment, and reburial of dead human bodies.
12. vital statistics.
13. regulating and prescribing sanitary conditions and facilities in public buildings and grounds as illustrated by but not limited to plumbing, drainage, sewerage, water supply, lighting, heating, and ventilation other than where jurisdiction is vested by law in the Administrative Building Council.
14. the administration of the laws of this state which require an examination for the discovery of syphilis prior to the application for or the issuance of a marriage license.

SEC. 213. The rules of the state board shall not be inconsistent with the provisions of this act or of any other law of this state.

SEC. 214. The state board shall establish, amend, or repeal a rule in accordance with the provisions of the statutes of this state concerning the establishment and promulgation of rules. After promulgation, rules of the state board shall have the force and effect of law.

SEC. 215. When, in the opinion of the state board, any local health authority shall fail or refuse to enforce the laws and regulations necessary to prevent and control the spread of communicable or infectious disease declared to be dangerous to the public health, or when, in the opinion of the state board, a public health emergency exists, the state board may enforce the rules and regulations of the state board within the territorial jurisdiction of such local health authorities, and for that purpose shall have and may exercise all the powers given by law to local health authorities. All expenses so incurred shall be a charge against the respective counties or cities. In such cases the failure or refusal of any local health officer or local health board to carry out and enforce the lawful orders and regulations of the state board shall be sufficient cause for the removal of such local health officer or the members of such local health board from office, and upon such removal the proper county or city authorities shall at once appoint a successor, other than the person or persons removed, as provided by law for original appointments.

SEC. 216. The state board may remove any local health officer in the state either for intemperance, failure to collect vital statistics, obey rules, keep records, make reports, answer letters of inquiry of the state board concerning the health of the people or neglect of official duty.

SEC. 217. No local health officer shall be removed by the state board except under the procedure provided by law for the removal of an officer or employee for cause by a state officer or agency.

SEC. 218. Any health officer removed as herein provided shall be ineligible to hold the position of health officer for four years, and the vacancy shall be filled for the unexpired term in the same manner as the original appointment or employment.

SEC. 219. The state board shall have power and authority to establish minimum qualifications for full-time local health officers and other full-time local health personnel which are not in conflict with the provisions of this act.

SEC. 220. Whenever a hearing is provided for or authorized to be held by the state board, the said state board may designate a person as its agent or representative to conduct such hearings. Such agent or representative shall conduct such hearing in the manner provided by law.

SEC. 221. The state board may adopt rules and regulations for the efficient enforcement of any of the provisions of this act.

SEC. 222. All valid rules and regulations heretofore made by the state board which are in force and effect on the effective date of this act are hereby continued in full force and effect until and unless amended or repealed as provided by law.

SEC. 223. The state board may bring a proceeding in equity against any person against whom a final order or determination has been made to compel compliance therewith, and the court or judge thereof in vacation in such action shall have jurisdiction to enforce such order or determination by prohibitory or mandatory injunction. The state board may bring an action at law or in equity to enforce any of the provisions of this act and the court or judge thereof in vacation in such action shall have jurisdiction to compel or enforce the provisions of this act by prohibitory or mandatory injunction. Such action shall be brought in the name of the State of Indiana.

SEC. 224. All license and permit fees collected by the state board under the provisions of this act shall be deposited monthly with the state treasurer and shall become a part of the general fund. All expenses of the enforcement of the provisions of this act shall be paid out of any appropriate appropriation.

SEC. 225. The state board shall have authority to adopt an appropriate seal.

ARTICLE 1. ADMINISTRATION OF PUBLIC HEALTH

Part 2. Advisory Health Council

Division 1. Organization

SEC. 300. In order to effectuate a more comprehensive health program for the entire state of Indiana and to make readily recognizable by the state board the many ramifications pertinent to the local, rural, municipal and industrial phases of such a program, the Indiana Advisory Health Council as created by Chapter 89 of the Acts of 1945 shall continue as therein created.

SEC. 301. The council shall consist of not less than twenty-five (25) nor more than forty-five (45) individuals appointed from lists of membership recommended to the governor by those statewide organizations whose activities are either directly related to or allied with the major activities of the state board of health, and in addition, representative of state officers or agencies whose functions are related to or allied with the major activities of the state board. The present members of said council shall continue until their successors are appointed by the governor.

SEC. 302. The members of the council shall be appointed by the governor and shall be bi-partisan in nature and representative of the various sections and interests of the State.

SEC. 303. The members of the council shall receive no salary or per diem, however, the state board may defray the expenses incurred in conducting special meetings, hearings or conferences held consistent with the provisions of this part.

SEC. 304. Not later than thirty (30) days after the members are appointed, and annually thereafter, they shall hold a meeting for the purpose of organization. They shall choose one of their members chairman, another vice-chairman, and another secretary, who shall perform the duties usually pertaining to those offices. Officers chosen shall serve from the date of their selection until their successors are elected and qualified.

SEC. 305. The council shall hold two (2) regular semi-annual meetings in the State Board of Health Building in Indianapolis and any other meetings as may be deemed necessary at a designated time or place.

SEC. 306. The council is authorized to adopt such by-laws, rules and regulations as they may deem necessary for the proper conduct of their proceedings and the carrying out of their duties.

Division 2. Powers and Duties

SEC. 350. The council may assist and advise the state board regarding the making, establishing or promulgating any standards, rules, regu-

lations or classifications pertaining to the administration of public health.

SEC. 351. The council may furnish such technical and scientific data as are required, attend public hearings in the interest of public health, act in a liaison capacity with the state and local health units and perform any other services not inconsistent with the provisions of this act.

SEC. 352. The council shall not have the power or duty to make, establish or promulgate any standards, rules, regulations or classifications pertaining to the administration of public health.

ARTICLE I. ADMINISTRATION OF PUBLIC HEALTH

Part 3. Local Administration

Division 1. General Powers and Duties of Local Health Officers and Local Boards of Health

SEC. 400. Powers and duties described in this division pertain to all local health officers whether full-time or part-time and local health boards. The powers and jurisdiction of a local health officer or local board are limited to the area in which they serve.

SEC. 401. Local health officers shall enforce the health laws, ordinances, orders, rules and regulations of their own and superior boards of health.

SEC. 402. Upon the approval of the county commissioners or of the common council, the health officer may receive financial assistance from persons or the state or federal government, provided the conditions under which the grant is made are submitted to and approved by the state board.

SEC. 403. They shall collect, record and report the vital statistics of and within their respective areas and jurisdictions.

SEC. 404. They shall keep full and permanent records of their public health work and minutes of all meetings of their respective boards.

SEC. 405. They shall make a monthly report of the work done by them to their respective boards; said report, after approval, to be made of permanent record.

SEC. 406. Reports of local health department activities shall be made to the state board of health, as required by the rules of the state board.

SEC. 407. Local health officers may make sanitary inspections and surveys of all public buildings and institutions.

SEC. 408. They may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source and cause of disease and, in connection therewith they may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.

SEC. 409. Local health officers may order schools and churches closed and forbid public gatherings when deemed necessary to prevent and stop epidemics.

SEC. 410. No person shall institute, permit or maintain any conditions whatever which may transmit, generate or promote disease; and all health officers, upon hearing in any way of the existence of such unlawful conditions within their respective jurisdictions, shall order their

abatement, in writing, if demanded, and specifying particularly wherein the conditions may transmit disease, and naming the shortest reasonable time for abatement. Upon refusal or neglect of any person to obey the order, the prosecuting attorney of the judicial circuit wherein the offense occurs, upon receiving the information from the health officer, shall institute proceedings in the courts for enforcement; such orders may be enforced by prohibitory or mandatory injunction.

SEC. 411. Local health officers may be removed only for the causes set forth in this act and may be removed only by the state board of health or the board which appointed them. Where removal is sought by the appointing authority such local health officer shall be entitled to at least five days notice, an open hearing and to be represented by counsel.

SEC. 412. Any local health board or local health officer shall have power and authority to enforce any orders made by them by an action in the circuit or superior court at law or in equity and in such action the court or judge thereof in vacation shall have jurisdiction to enforce such order by prohibitory or mandatory injunction. It is hereby made the duty of the prosecuting attorney of the judicial circuit or court in which such local health board or local health officer has jurisdiction to represent such local health board or local health officer in any such action to termination. Provided, however, that in cases of cities having full-time health boards and full-time health officers they shall be represented by the city attorney.

Division 2. Part-Time Health Officers and Boards

SEC. 450. The board of county commissioners of each county of this state shall appoint a part-time county health officer except where such county has a full-time health officer or is a part of a unit which has a full-time health officer. Such part-time county health officer shall hold an unlimited license to practice medicine in Indiana and be suitably trained in sanitary science. Such appointment shall be subject to the approval of the state board. Such part-time county health officer may be removed by the board of county commissioners for any cause for which he could be removed by the state board of health.

SEC. 451. The part-time county health officers in office on the date this act becomes effective, shall, unless sooner removed, continue to serve until their respective terms expire, and until their successors have been appointed and have qualified. Beginning on the first day of January, 1950, and on the first day of January of each fourth year thereafter, a county health officer shall be appointed, as aforesaid, to serve for a term of four (4) years, unless sooner removed by the appointing authority, or by the state board. Should the state board fail to approve the appointment of the person appointed for county health officer, or should the state board, or the appointing authority, remove any such officer, another appointment other than the person removed or rejected, shall at once be made in the same manner. A person appointed to fill a vacancy shall serve for the unexpired term.

SEC. 452. The jurisdiction of part-time county health officers shall not extend to cities within the county which have full-time or part-time

health officers. This provision shall not in any way prohibit the same officer from serving both as part-time county health officer and as part-time city health officer provided his aggregate salary from all such sources shall not exceed three thousand six hundred dollars ($3,600).

SEC. 453. The part-time county health officer shall receive an annual salary of six cents (6c) per capita, based on the population of the county, according to the last general U. S. census, less the population of any city or cities located therein and having separate health officers, except that in no case shall he receive less than four hundred dollars ($400) or more than thirty-six hundred dollars ($3600) per year. The salary and the actual necessary operating expenses of the county health officer shall be paid out of the treasury of the county.

SEC. 500. The mayor of each city other than those of the first class shall appoint a city board of health, consisting of three (3) members, not more than two (2) of whom shall be of the same political party, and not less than two (2) of whom shall hold an unlimited license to practice medicine in Indiana and be well informed in hygiene and sanitary science. The members of city boards of health at the time this act takes effect shall serve the remainder of the term for which they were appointed unless sooner removed. At the expiration of the respective terms of each member an appointment for the following four years shall be made. It is the intent and purpose of this section to preserve the staggered terms of the members of such city boards of health as provided for by Chapter 217 of the Acts of 1935. Vacancies shall be filled by appointment by the mayor for the unexpired term. The salaries of the members of such city boards of health shall be determined and fixed by the common council. Provided however that the provisions of this section shall not apply to cities which have a full-time health officer.

SEC. 501. The city boards of health provided for in the preceding section shall appoint a part-time city health officer. He shall hold an unlimited license to practice medicine in Indiana and be suitably trained in sanitary science. Such appointment shall be subject to the approval of the state board. Such part-time city health officer may be removed by the city board of health for any cause for which he could be removed by the state board of health.

SEC. 502. The part-time city health officers in office on the date when this act becomes effective, shall, unless sooner removed, continue to serve until their respective terms expire, and until their successors have been appointed and have qualified. Beginning on the first day of January 1951, and on the first day of January of each fourth year thereafter, a part-time city health officer shall be appointed, as aforesaid, to serve for a term of four (4) years, unless sooner removed by the appointing authority, or by the state board. Should the state board fail to approve the appointment of the person appointed for city health officer, or should the state board or the appointing authority, remove any such officer, another appointment, other than the person removed or rejected, shall be made in the same manner.

SEC. 503. Such part-time city health officer shall receive an annual salary of four cents (4c) per capita, based on the population of the city,

according to the last general U. S. census, except that in no case shall he receive less than two hundred dollars ($200). The salary and actual necessary operating expenses of the city health officer shall be paid out of the treasury of the city.

SEC. 504. Such city health officer may but need not be selected from the membership of the city board of health. He shall serve as the secretary of the board when the board is in session. The city board of health shall exercise all the powers provided by law and enforce all the rules and regulations of the state board.

SEC. 505. Such city health officer shall have immediate control and direction of the city sanitarians, of the city meat and dairy inspectors and of the city plumbing inspectors. He shall have charge of the municipal laboratory and he shall require and superintend, in relation to the sanitary condition of the city, such chemical, histological, bacteriological and pathological investigations as shall be deemed advisable by the board; he shall have charge of the office occupied by the board and carry out and perform all such orders and directions as it may require; he shall devote such time to the duties of his office as the board shall deem necessary, for the proper performance of his duties.

Division 3. Public Health Nurses and Other Personnel

SEC. 550. The county commissioners of any county or the common council of any city which has not provided for a full-time health officer, may provide for a full-time public health nurse, or other public health personnel and the expenses of such office.

SEC. 551. The county council or common council, as the case may be, shall annually make the necessary appropriation in the same manner as appropriations are made for other county or city offices and employees.

SEC. 552. Public health personnel as provided for in this division shall be legally qualified, suitably trained in sanitary science, and shall have the minimum qualifications established by the state board of health for their respective positions.

SEC. 553. Public health personnel as provided for in this division shall be appointed in the counties by the county health officer subject to the confirmation by the county commissioners, and in the cities they shall be appointed by the city health officer subject to confirmation by the city board of health.

SEC. 554. Such public health personnel shall devote their full-time to the duties of their respective offices or employments in protecting and supervising the general health and sanitation of their jurisdiction and shall perform such duties as may be prescribed by the rules and regulations of the state board under the general supervision of the local health officer of their jurisdiction.

Division 4. Full-Time Local Health Jurisdictions

SEC. 600. This division relates to full-time local health departments.

SEC. 601. Formation and establishment of any full-time local health department shall be made subject to the approval of the state board.

SEC. 602. When a full-time local health department has been established, all part-time health departments and health boards within the area shall be dissolved and their records shall be transferred to the full-local health department.

SEC. 603. Any county or two or more adjacent counties, not to exceed a total of four, may at any time establish and maintain a full-time health department according to the procedures provided in this act.

SEC. 604. The county commissioners of any county may by resolution provide for the establishment and maintenance of a full-time county health department.

SEC. 605. The county commissioners of two or more adjacent counties, not to exceed a total of four, may provide, by a separate resolution in each county, for the establishment and maintenance of a full-time multiple-county health department.

SEC. 606. Any county or two or more adjacent counties, not to exceed a total of four, may, after approval of the state board is first obtained, and upon approval by a referendum as hereinafter provided, establish and maintain a full-time county health department or multiple-county health department.

SEC. 607. The referendum procedure for establishing a full-time county health department is as follows: Whenever a petition signed by not less than ten per cent of the resident freeholders of the county is presented to the county board of commissioners requesting the establishment and maintenance of a full-time county health department, and a levy therefor, even though such levy be in excess of any limitations on tax rates, of an annual tax in addition to other health appropriations of not to exceed one mill on each dollar of assessed valuation of taxable property, the board of county commissioners by official action shall instruct the election official, or officials, having charge of the next general election and of the publication of notice thereof to include a notice of election on such petition in the legal notice of the next general election in the county; and such election official, or officials, shall then make provision for voting upon the petition in accordance with the notice. The ballot upon which such vote shall be taken shall be in substantially the following form:

Shall ..... County establish and maintain a full-time health department and levy therefor, even though such levy is in excess of existing tax limitations, an annual tax in addition to other health appropriations of not to exceed one mill on each one dollar of tax evaluation of taxable property?	Yes ——— No

Such election on the said petition shall be governed in all respects by the general laws of this state concerning elections insofar as they are applicable. If a majority of all the votes cast upon the proposition is in favor thereof, that fact shall be certified to the board of county commissioners by the county election official or officials and thereupon the board of county commissioners shall proceed to establish a full-time health department.

SEC. 608. The referendum procedure for establishing a multiple-county health department is as follows: Whenever a petition signed by not less than ten per cent of the resident freeholders in each of two or more adjacent counties, not to exceed a total of four, is presented to their respective boards of county commissioners requesting the establishment and maintenance of a multiple-county full-time health department and of a levy therefor, even though such levy is in excess of any limitation on tax rates, of an annual tax in addition to other health appropriations, not to exceed one mill on each dollar of assessed valuation of taxable property, each board of county commissioners shall proceed, and an election shall be held, in the same manner as prescribed by this act for an election by a single county on the question of the establishment and maintenance of a full-time health department, except that the ballot shall be in substantially the following form:

Shall ..... counties establish and maintain a full-time multiple-county health department and levy therefore, even though such levy is in excess of existing tax limitations, an annual tax in their respective counties in addition to other health appropriations of not to exceed one mill on each one dollar tax evaluation of taxable property?	Yes ——— No

The result of the said election upon said petition shall be certified by the election official, or officials, of each county to the boards of county commissioners of each of the other counties named in the ballot. If a majority of all the votes cast upon this petition in each county is in favor thereof, then the multiple-county department of health shall be established. The boards of county commissioners of each of said counties, after any such petition shall have received a majority of all the votes cast upon the petition, shall hold a joint meeting not less than thirty days nor more than sixty days after the date of said election. If possible the said county commissioners shall agree upon the place, date and hour of such meeting, and shall then give notice thereof to the secretary of the state board at least ten days before the date of the said meeting. If the said county commissioners do not agree upon the time and place of the meeting and notify the secretary of the state board thereof on or before twenty days after the date of the election, then within thirty days after the date of the said election the secretary of the state board shall fix the place, date and hour of the said meeting and give ten days' notice thereof to the said county commissioners. At the said meeting the county commissioners shall begin proceedings, with the advice and counsel of the secretary of the state board, to organize, establish and make provision for the maintenance of a full-time multiple-county health department for the said counties, which proceedings shall be completed as rapidly as can reasonably be done.

SEC. 609. Each county full-time health department provided for in this act shall be managed by a board of health of seven members appointed by the county commissioners for a four year term except that of the original appointees: one shall serve for one year, two for two years, two for three years, and two for four years, with their terms beginning on the first day of January following their appointment. The county commissioners in their appointments to the board of health, shall give

due representation to cities above the fifth class based upon the proportionate population ratio of such city or cities to the county population. No more than four members of the board of health shall be from one political party. All members shall be chosen for their special fitness for membership on the board and shall be residents within the county. At least three members of each board of health for single county health departments shall be physicians holding an unlimited license to practice medicine in Indiana, one shall be a licensed dentist, and one member shall be a school superintendent. Such board shall have the powers and duties herein prescribed for full-time health boards.

SEC. 610. Multiple-county full-time health departments shall be managed by a board of health comprised of members from each participating county. The county commissioners of each county participating in a multiple-county full-time health department shall appoint four members to the board for terms of four years each except that of the original appointees: one shall serve for one year, one for two years, one for three years, and one for four years, with their terms beginning on the first day of January following their appointment. The county commissioners in their appointments to the board of health, shall give due representation to cities above the fifth class based upon the proportionate population ratio of such city or cities to the county population. No more than two members from each county shall be from the same political party. Two of the members of the board from each county shall be physicians holding an unlimited license to practice medicine in Indiana, and one shall be a school superintendent. Such board shall have the powers and duties herein prescribed for full-time health boards.

SEC. 611. The county council of any county in which a full-time health department has been authorized or the county council of any county which has become a part of a multiple-county full-time health department, either by resolution of the board of county commissioners or upon approval by referendum, shall levy annually therefor, even though it be in excess of any limitation on tax rates, a tax in addition to other health appropriations that may be made not to exceed one mill on each dollar of assessed valuation of taxable property, which tax shall be levied and collected in like manner as other taxes are collected. Such taxes shall be paid into the county treasury and placed in a special fund to be known as the county health fund which fund shall be used only for the purpose of this act and shall be drawn upon by the proper officers of the county upon the properly authenticated vouchers of the county health department or multiple-county health department, as the case may be. Each county council shall appropriate from the county health funds such sums of money as may be necessary for the maintenance of the county health department, or to pay its apportioned share for the maintenance of a multiple-county health department in proportion that the population of such county bears to the total population of all counties in the multiple-county health department as determined by the most recent general official United States census. However, no tax levy provided for in this article shall be made upon property within the corporate limits of any city maintaining its own full-time health department.

SEC. 612. A full-time county or multiple-county health board or its officers shall not have jurisdiction in any city having a full-time health department.

SEC. 613. The common council of any city of the second class within a county having more than one city of the second class therein may by resolution provide for a full-time city health department and for that purpose the common council of such city shall annually make the necessary appropriation for expenses of such full-time city health department even though it may exceed existing limitations. Provided that the tax shall not exceed one mill on each dollar of assessed valuation of taxable property in addition to other health appropriations.

SEC. 614. The full-time city health departments provided for by this act shall be managed by a board of health consisting of five members appointed by the mayor, not more than three of whom shall belong to the same political party and of whom at least three shall be physicians holding an unlimited license to practice medicine in Indiana. All members of said board shall be appointed for a term of four years except that of the first appointees: one shall serve for a period of two years, two shall serve for a period of three years and two shall serve for a term of four years. At the expiration of their respective terms, appointments shall be made to fill the vacancies for the following four years. Such board shall have the powers and duties herein prescribed for full-time health boards.

SEC. 615. Any city which maintains a full-time health department with a full-time health officer may abandon the same and become integrated in a county or multiple-county full-time health department, said abandonment and integration to be accomplished by resolution of said city common council and of the county commissioners of the county or counties involved. Such abandonment shall become effective at the end of the fiscal year of such city in which the said resolution is adopted.

SEC. 616. The county commissioners of any county and the common council of any city or cities of the second class therein may by resolution provide for a joint city-county full-time health department in place of separate health departments.

SEC. 617. Where such joint city-county full-time health department has been authorized the county council and common council or councils shall annually make the necessary appropriation for expenses of such health department on a pro rata per capita basis as determined by the last general U. S. census. The council of any such county shall, for the purpose of providing funds for said appropriation, annually levy a tax upon all the taxable property within the county and outside the corporate limits of second class cities therein, for a county health fund, which fund shall be used only for the purposes of this act.

SEC. 618. A joint city-county full-time health department shall be managed by a board of health consisting of seven members, not more than four of whom shall be members of the same political party and at least three of whom shall hold unlimited licenses to practice medicine in Indiana, and one member shall be the county superintendent of schools. Of the six members appointed to the joint city-county health board, the mayors or mayor of the cities or city participating in the joint health department shall appoint a number of members of the board in the proportion that the city's population is to the total county population to

the nearest whole fraction. The county commissioners shall appoint the remaining number of members of the board. All members of said board shall be appointed for a term of four years except that of the first members: two shall be appointed for two years, two shall be appointed for three years, two shall be appointed for four years and the county school superintendent's term shall coincide with his regular term of office as county superintendent of schools. At the expiration of the respective terms, appointments shall be made for four years. That as to all joint city-county health departments created after the effective date of this act the terms of the members shall commence on January 1 next after the establishment of such board. Said board shall have the powers and duties herein prescribed for full-time health boards.

SEC. 619. The provisions of this act shall not be construed as affecting any rights acquired by sanitary officers and inspectors in cities of the second class having a population of more than one hundred fifteen thousand according to the last preceding United States census under laws heretofore enacted and particularly under the provisions of Chapter 36 of the Acts of 1945; and the provisions of this article shall not be construed as repealing any law providing for the appointment of sanitary officers and inspectors in such cities, nor Chapter 36 of the Acts of 1945.

SEC. 620. The board of each local full-time health department shall, immediately after appointment, meet and organize, by the election of a chairman, vice-chairman, and such other officers as it may deem necessary.

SEC. 621. The board of each local full-time health department shall hold a meeting in October, of each year, at which meeting officers shall be elected for the ensuing calendar year; shall thereafter hold regular meetings quarterly in January, April, July and October, and special meetings on a written request signed by three members and filed with the secretary or on request of the health officer.

SEC. 622. The board of each local full-time health department shall provide, equip and maintain suitable offices, facilities and appliances for the health department.

SEC. 623. The board of each local full-time health department shall publish, annually, within ninety days after the second Tuesday in January, in pamphlet form, for free distribution, an annual report showing as of the first day of January of that year the sums of money received from all sources giving the name of any donor, how all moneys have been expended and for what purpose, and such other statistics and information in regard to the work of the health department as it may deem of general interest.

SEC. 624. The board of each full-time local health department shall enforce and observe all state laws and legally promulgated regulations pertaining to the preservation of health.

SEC. 625. The board of each full-time local health department shall investigate the existence of any contagious or infectious disease, adopt measures, not inconsistent with the regulations of the state board, to arrest the progress of the same, and make all necessary sanitary and health investigations and inspections.

SEC. 626. The board of each full-time local health department shall appoint a full-time health officer. Such health officer shall be the executive officer for the department and shall serve as secretary of the local board. He shall be a citizen of the United States, hold an unlimited license to practice medicine in Indiana or be eligible for such license and meet the minimum qualifications established by the state board of health. Such appointment shall be subject to the approval of the state board of health. The full-time officers in office on the date this act becomes effective shall, unless sooner removed by the state board of health or the appointing authority, continue to serve until their respective terms expire, and until their successors have been appointed and qualified. Such health officers shall serve for a term of four years unless sooner removed for cause as herein provided.

SEC. 627. Such full-time local health officers shall have the power to appoint and employ such professional, clerical and other employees as may be necessary and reasonable to carry out and perform the duties of the department.

SEC. 628. The board of each full-time local health department shall prescribe the duties of all officers and employees. It shall fix compensation of all officers and employees.

SEC. 629. The board of each full-time local health department shall authorize payment of salaries and all other department expenses from the proper fund.

SEC. 630. Such board shall confirm the appointment of such professional employees who are appointed by the health officers and who meet the qualification requirements of the state board for their respective positions.

SEC. 631. The board of each full-time local health department shall submit an annual budget to the board or boards of county commissioners and to the city councils concerned at the regular time for consideration of annual budgets.

SEC. 632. The board of each full-time local health department may adopt such rules and regulations for its own guidance and as may be deemed necessary or desirable to protect, promote, or improve public health or to control disease, not inconsistent with this act, laws of the state and regulations of the state board.

SEC. 633. An appropriation may be made, as emergency appropriations are made, to provide for the expenses of the operation of a full-time health department, until appropriations may be made available by the next regular annual budget after such full-time health department has been authorized.

Division 5. Department of Health and Hospitals in First Class Cities

SEC. 650. The department of public health and hospitals in cities of the first class shall be under Chapter 200 of the Acts of 1945 and the laws relating to first class cities.

ARTICLE 1. ADMINISTRATION OF PUBLIC HEALTH

Part 4. Hospitals

SEC. 700. As used in this article:

1. The term "hospital" includes public health centers, health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' homes and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care;

2. The term "health center" means a facility for the provision of public health services, with or without a hospital unit, including related facilities such as laboratories, diagnostic and consultation services, clinics, and administrative offices operated in connection with the public health center;

3. The term "public health center" means a publicly owned health center;

4. The term "nonprofit hospital" means any hospital owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

5. The term "construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of land; and

6. The term "cost of construction" means the amount found by the Surgeon General of the U. S. Public Health Service to be necessary for the construction of a project.

SEC. 701. The state board of health shall: (a) make a survey of the location, size, and character of all existing public and private (proprietary as well as nonprofit) hospitals and health centers in the state; (b) evaluate the sufficiency of such hospitals and health centers to supply the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state; and (c) compile such data and conclusions, together with a statement of the additional facilities necessary, in conjunction with existing structures, to supply such services. The state board shall utilize, so far as practicable, any appropriate reports, surveys, and plans prepared by other state agencies.

SEC. 702. The state board is authorized to cooperate with the Government of the United States, and any agency or department thereof, in the construction or improvement of public and other nonprofit hospitals within the state, and to comply with the provisions of the laws of the

United States, and any regulations made thereunder, for the expenditure of federal moneys upon such public and nonprofit hospitals.

SEC. 703. The state board is authorized to apply for and to accept on behalf of the state, to deposit with the state treasurer, and to expend for the purposes for which granted or advanced, any grant or advance made by the United States or by any agency or officer thereof to assist in meeting the cost of carrying out the purposes of this act.

SEC. 704. The state board is authorized to apply for, accept and receive for and on behalf of any public or other nonprofit hospital, any grant or advance made by the United States, or any agency or officer thereof, for the construction or improvement of such hospital, where such work of construction or improvement is to be done by such hospital aided by grants-of-aid from the United States. Such moneys so received shall be deposited with the state treasurer as a special trust fund separate from the funds in the state treasury, and the state board is authorized, whether acting for a state hospital or as the agent of any public or other nonprofit hospital other than a state hospital, to disburse such moneys for the purposes provided for in this part without appropriation.

ARTICLE 2. DISEASE PREVENTION AND CONTROL

Division 1. Control of Communicable Diseases

SEC. 800. The term communicable disease as used in this article shall mean those communicable diseases which are required to be reported by the rules of the state board of health.

SEC. 801. It shall be the duty of all physicians to immediately report to the health officer designated by the state board all cases under his care of communicable diseases which are required to be reported by the rules of the state board. When no physician is in attendance on such a case, it shall be the duty of the householder or the responsible officer of an institution, hotel or lodging place where such a case occurs to report the case to the local health officer in whose jurisdiction the case is.

SEC. 802. The local health officer, upon being notified of the existence of such a communicable disease shall immediately place such restrictions upon the movements of the patient and his contacts necessary to prevent the spread of disease and in keeping with the procedures prescribed by the rules of the state board for the specific disease.

SEC. 803. The health officer, immediately after the recovery or death of a person with such communicable disease in his jurisdiction, shall cause the premises and infected persons to be thoroughly disinfected and cleansed according to the methods prescribed by the rules of the state board, after which the premises and the persons shall be released from restriction.

SEC. 804. Whenever a health officer shall know, suspect, or be informed of the existence of any such communicable disease, and there be no physician in attendance or should any physician fail to make the proper report, the local health officer shall examine the case, and if necessary for the protection of the public health place restrictions upon the movements of the patient and his or her contacts in the manner prescribed by the rules of the state board.

SEC. 805. The appropriate local health officer may remove persons sick with a communicable disease, after confirmation of the diagnosis by two physicians, holding unlimited license to practice medicine in Indiana, from any hotel, boarding-house, boarding-school or other similar building, to a place satisfactory for the isolation and treatment of the patient designated by the health officer.

SEC. 806. Persons having custody of any child, infected with such a communicable disease, shall not permit him to attend school or appear in public.

SEC. 807. All school teachers shall exclude any children infected with any such communicable disease, unless a written permit to attend is given by the appropriate health officer.

SEC. 808. Teachers shall immediately send home any pupil who shows indication of being ill, unclean, emits offensive body odors, or is infested with vermin. The truant officer shall arrest and prosecute parents or guardians who, when notified to do it, do not bathe or cleanse their children or wards, or do not rid their children or wards of vermin. If the parents or guardians refuse or neglect to bathe and clean their children or wards, upon order of the school authorities, the truant officer shall have it done, and the cost shall be paid from the school funds. Whenever any such communicable disease breaks out in a school, the township trustee, the school board, the school trustee or the school authority shall have a medical inspection made of the pupils. All pupils found to be ill in any degree shall be sent home and kept there until the local health officer gives a certificate of health. After he receives a certificate of health, the pupil may be readmitted. Provided however, that no pupil shall be compelled to submit to medical examination or treatment if his parent or guardian objects to it in a written and signed statement, which is delivered to the pupil's teacher or to the person conducting the examination or treatment.

SEC. 809. Funerals shall be strictly private in all cases of death due to cholera, plague, typhus, leprosy, yellow fever and smallpox; and any other diseases which may arise and for which such restriction is declared necessary by rule of the state board. No public or church funeral shall be held or any person permitted to enter the house containing the remains of such case of death excepting the relatives of the deceased, the minister and the undertaker and his assistants unless by permission of the local health officer. Provided however that public funerals may be had in such cases where authorized by regulation of the state board where the body is contained in a casket which is sealed as provided by such regulations. Buried human remains of such persons shall not be disinterred nor removed without permission from the local health officer or the state board.

SEC. 810. It shall be unlawful for school authorities to employ teachers, janitors, bus drivers or food handlers who are addicted to drugs, or who are intemperate or who have tuberculosis or syphilis in an infectious stage. Every board of education and school trustee shall require a physical examination for tuberculosis, including adequate laboratory tests and X-rays, of all such employees of the board or school trustee at least once in three years; and shall cause the physical examination to be made within one year from the date this code becomes operative, unless the employee can produce evidence of a satisfactory examination made within the preceding three-year period. Such examinations, tests, and X-rays shall be made only by physicians holding an unlimited license to practice medicine. The cost of such examinations, laboratory tests, X-rays, and the providing of diagnostic data shall be borne by the board of education.

SEC. 811. The X-ray film shall be retained by the person taking the school employee's examination for a period of three years, and at any time within such period, upon order of the state board such film shall be delivered to the state board at such place as it may designate and

the state board through its designated agent may review same, and, if the state board or its designated agent upon viewing such film, finds that due to the condition of the same a proper diagnosis cannot be made from such film a new one, conforming to the uniform rules as shall be prescribed by the state board, shall be taken within ten days and submitted in like manner.

SEC. 812. In lieu of an examination with payment for the same by the board of education, an employee may be examined at his own expense by any other physician holding an unlimited license to practice medicine, of his own choosing.

SEC. 813. If the results of the examination as provided in this article indicates the presence of tuberculosis in an infectious state, the employee shall be ineligible for further service until satisfactory proof of recovery is furnished. If such employee is under contract or tenure protection, he may be granted any sick leave compensation provided by the board of education or trustee for other employees and shall, upon satisfactory recovery, be permitted to complete the term of his contract or, if under tenure, shall be reinstated with the same tenure status as he possessed at the time his services were discontinued, provided the absence does not exceed a period of three years.

SEC. 814. It shall be unlawful for any school official to employ this act as a means of discharging any teacher, or other employee for any reason other than failure to comply with the provisions of this act and upon proof thereof the same shall constitute malfeasance in office and shall be grounds for his removal.

SEC. 815. Any public conveyance known to contain the infection of any disease, or any public conveyance which may reasonably be supposed to contain such infection, shall, upon order of any health officer in whose jurisdiction the infected public conveyance may be found, be disinfected according to the rules of the state board of health, and the cost of disinfection shall be paid by the company, person or persons owning said public conveyance: Provided, That any and all inspections and disinfections of such public conveyances be at such times and places as not to interfere with the general traffic of the road.

SEC. 816. If at any time, any city, town or region is under quarantine, public conveyances passing through any such quarantined city, town or region, shall obey the quarantine orders of the state board, which are issued for the purpose of preventing the spread of infection.

SEC. 817. All expenses incident to carrying out the provisions of this division except as otherwise provided in section 810 of this act shall be paid by the city or town in which the work may become necessary. These expenses shall be borne by the county when this work is done outside the corporation of cities or towns. Such expense shall be paid from funds not otherwise appropriated.

Division 2. Tuberculosis (Specific)

SEC. 818. A physician who practices in the State of Indiana or an officer who is in charge of a hospital, clinic, asylum or other similar private or public institution shall report every person afflicted with tuberculosis who comes to his attention or under his observation or care upon report forms prescribed and furnished by the state board.

SEC. 819. The physician or officer of an institution shall deliver the tuberculosis report within 24 hours after diagnosis to the local health officer from whose jurisdiction the patient comes or to the state board if the patient resides in another state.

SEC. 820. The local health officer shall dispatch to the state board a tuberculosis case report within 24 hours after the case has come to his attention.

SEC. 821. The state board shall tabulate all tuberculosis case reports and determine the prevalence and distribution of human tuberculosis in the state, and devise ways and means for restricting and controlling the disease.

SEC. 822. The state board shall include the information as to the prevalence and distribution of human tuberculosis in the state in its annual report and shall also in other ways distribute among the people of the state information as to the prevalence and dangers of tuberculosis.

SEC. 823. The local health officer shall make an investigation of each person who has tuberculosis in a communicable stage to determine whether the environmental conditions of the person or the conduct of the person is suitable for proper isolation or contagious control of the case by any type of local quarantine.

SEC. 824. If the local health officer finds that the circumstances are not suitable for proper isolation or contagious control of the case by any type of local quarantine, he shall petition the circuit court of the county to order the admission of the person to any state owned and operated tuberculosis hospital or sanatorium or to any county hospital or sanatorium in the state operating under the provisions of Chapter 176 of the Acts of 1913 as amended and Chapter 205 of the Acts of 1933 as amended.

SEC. 825. The local health officer shall set forth in the petition a summary of the factual basis of the determination that the circumstances are not suitable for proper isolation or contagious control of the case by any type of local quarantine.

SEC. 826. Upon receiving the petition, the court shall fix a date for hearing on the petition and shall cause notice of the petition and of the time and place for hearing to be served personally at least seven (7) days before the hearing, upon the person who is afflicted with tuberculosis and alleged to be dangerous to others, and upon the health officer. During the time said petition is pending such person shall be subject to the local quarantine or restrictions of his movements placed on him by the health officer for the protection of the public health.

SEC. 827. The petition shall be heard in open court and the respondent to the petition shall have the privilege of counsel of his own selection.

SEC. 828. The respondent by motion or the court on its own motion may require the presence of the state health commissioner or his representative at the hearing.

SEC. 829. If upon hearing of the petition the court finds that the circumstances are not suitable for proper isolation or contagious control of the case by any type of local quarantine, the court shall order the commitment to a hospital or sanatorium as petitioned for.

SEC. 830. The court shall include in the order for commitment an order for the payment from the funds of the committing county the expenses of maintaining the person in the hospital.

SEC. 831. The chief medical officer of the institution may direct that a person so committed be placed apart from the others and restrained from leaving the institution.

SEC. 832. A person who is committed to a hospital or sanatorium under the provisions of this division shall observe all the rules and regulations of the hospital or sanatorium.

SEC. 833. The chief medical officer of the institution may file a complaint in the circuit, superior or municipal court against a person committed to the institution under provisions of this article who willfully violates the rules and regulations of the institution or who conducts himself in a disorderly manner. A person so charged shall have the legal procedural rights of a person charged with disorderly conduct.

SEC. 834. A person so committed to the institution who is found guilty of violating the rules and regulations of the institution or of conducting himself in a disorderly manner may be confined for a period not to exceed six (6) months in any place where persons convicted of disorderly conduct may be confined. A person confined under this section shall be kept separate and apart from the other inmates of the place of confinement, and upon completion of the period of confinement shall be returned to the hospital where originally committed.

SEC. 835. The chief medical officer of the institution to which a person has been committed under this division may, upon signing and placing among the permanent records of the institution a statement that the person has obeyed the rules and regulations of the institution and that for the reasons set forth in the statement in his judgment the person may be discharged without danger to the health or life of others, discharge the person so committed.

SEC. 836. The chief medical officer of the institution shall report each discharge with a full statement of the reasons therefor at once to the health officer of the city or county from which the patient came and to the board of managers or other controlling authority of such hospital or sanatorium at its next meeting.

SEC. 837. Immediately after recovery or removal or death of a person having tuberculosis in a transmissible form, the health officer having jurisdiction shall cause the infected premises and the contaminated furnishings to be thoroughly disinfected according to the methods prescribed in the rules and regulations of the state board after which the premises shall be declared safe for reoccupancy.

SEC. 838. Nothing in this division shall be construed or operate to empower or authorize the state health commissioner, or any health officer, or their representatives, to restrict in any manner the individual's right to select the mode of treatment of his choice, nor to require, other than X-ray of the chest, any physical examination or medical treatment of a patient who in good faith relies upon spiritual means or prayer for healing, nor shall such reliance or treatment be considered a circumstance not suitable for proper isolation or contagious control of the case by local quarantine under any provision of this division, provided, that the sanitary and quarantine laws, rules and regulations relating to infectious, contagious and communicable diseases are complied with.

Division 3. Venereal Disease (Specific)

SEC. 850. For the purposes of this division, terms have meanings as follows:

1. "Approved laboratory" means a laboratory approved by the state board for making serological tests.

2. "Standard serological test for syphilis" means a test recognized as such by the state board.

SEC. 851. The local health board or health officer may request from the appropriate body an appropriation for a venereal disease prevention and control program which may include hospitalization and quarantine, when the board or officer shall determine that there is a prevalency of venereal disease inimical to the public health, safety and welfare of the citizens or that venereal disease is causing economic interference with any phase of public welfare in his jurisdiction.

SEC. 852. The local health officer shall transmit the request for funds to establish the venereal disease prevention and control program to the appropriate governing body, who may appropriate, out of any money which may be available in its general fund, an amount it deems necessary and advisable to properly carry out the program as an emergency appropriation.

SEC. 853. The appropriate governing body may levy annually a tax of not more than three cents (3c) on each one hundred dollars ($100) of taxable property for the control and prevention of venereal disease. This tax shall be in addition to other taxes of the local governing body and shall be collected in the same manner as other taxes and shall be credited to the local board of health venereal disease prevention and control fund.

SEC. 854. A person in professional attendance at a birth shall carefully examine the eyes of the infant and if there is the least reason for suspecting infection in one or both eyes, the person in professional attendance at the birth shall apply such prophylactic treatment as may be prescribed by the state board.

SEC. 855. The state board shall require in each birth certificate, in addition to information otherwise required in the certificate, an answer to the question "Were precautions taken against ophthalmia neonatorum?"

SEC. 856. It shall be unlawful for any person in professional attendance at a birth to fail to include an answer to the question on a birth certificate: "Were precautions taken against ophthalmia neonatorum?"

SEC. 857. If one or both eyes of an infant become inflamed, swollen, or show any unnatural discharge or secretion at any time within two (2) weeks after its birth and there is no legally qualified person in professional attendance, the parent or other person who is in charge of the care of the infant shall immediately report in writing the infection or unnatural discharge within six (6) hours after discovery to the health officer.

SEC. 858. If treatment has not been secured by the time the report on the infection or unnatural discharge is made, the local health officer shall direct the person who is in charge of the care of the infant to secure adequate medical service and to make a report to the local health officer when the treatment has been secured.

SEC. 859. If the person who is in charge of the care of the infant is unable to pay for medical treatment for the infant, the local health officer may direct the person who is in charge of the care of the infant to place the infant in the charge of the proper agency or official responsible for the medical care of indigents.

SEC. 860. Serological tests made under the laws of this state which require an examination for the discovery of syphilis prior to the application for or the issuance of a marriage license shall be performed in the laboratory of the state board or in a laboratory or laboratories meeting standards prescribed by the pathology department of the Indiana University School of Medicine and approved by the state board.

SEC. 861. A physician who diagnoses a pregnancy of a woman shall take or cause to be taken a sample of blood at the time of diagnosis and shall submit the sample to an approved laboratory for a standard serological test for syphilis.

SEC. 862. Any person other than a physician who is permitted by law to attend a pregnant woman but who is not permitted by law to take blood specimens, shall cause a sample of the blood of the pregnant woman to be taken by a duly licensed physician, who shall submit the sample to an approved laboratory for a standard serological test for syphilis.

SEC. 863. If at the time of delivery positive evidence is not available to show that a standard serological test for syphilis has been made during the pregnancy, the person in attendance at the delivery shall take or cause to be taken a sample of the blood of the woman at the time of the delivery and shall submit the sample to an approved laboratory for a standard serological test for syphilis.

SEC. 864. The state board shall require in each birth certificate (and stillbirth certificate), in addition to information otherwise required in the certificate, information concerning the serological test for syphilis as follows:

1. whether a test for syphilis was made for the woman who bore the child.
2. if the test was made, the date when the blood specimen was taken.
3. if the test was made, whether it was made during pregnancy or at the time of delivery.
4. if the test was not made, the reason why the test was not made.

SEC. 865. A person who prepares a birth certificate or a stillbirth certificate shall include such information concerning the serological test for syphilis made for the woman who bore the child.

SEC. 866. The fact that a person has a venereal disease shall not act as a bar to admission to any benevolent, charitable, penal or reformatory institution supported and maintained in whole or in part by state funds.

SEC. 867. Whenever a person having a venereal disease is admitted to any benevolent, charitable, penal or reformatory institution of this state, the superintendent or official in charge of such institution shall institute and provide the proper treatment for the person and shall carry out such laboratory tests as may be necessary to determine the nature, course, duration and results of the treatment.

SEC. 868. The services of the laboratory of the state board shall be available without charge for the laboratory diagnosis and tests as may be necessary to carry out the provisions of Sections 866 and 867, and the state institutions and the state board shall cooperate in every reasonable way in the prevention and suppression of the venereal diseases.

SEC. 869. The provisions of Sections 861, 862 and 863 or 861 through 863 shall not apply to any person who administers to or treats the sick or suffering by spiritual means or prayer, nor to any person who, because of his religious belief, in good faith selects and depends upon such spiritual means or prayer for treatment or cure of diseases.

Division 4. Rabies (Specific)

SEC. 900. The state board shall make an examination of the head of any animal submitted for examination and suspected of having rabies.

SEC. 901. The state board shall advise the physicians of the state as to the need of Pasteur treatment for any person who has been bitten by an animal suspected of having rabies.

Division 5. Leprosy (Specific)

SEC. 950. A physician called upon to attend a sick person, and who finds the cause of the sickness to be Hansen's Disease, commonly known as leprosy, shall immediately report the case in writing to the state board.

SEC. 951. As soon as a case of Hansen's Disease is reported to the state board, the board shall quarantine, isolate and care for these cases in any manner it may deem necessary.

SEC. 952. The state board may remove any person afflicted with Hansen's Disease from any building where he may be living, and may place him in a proper building set apart for the care and treatment of Hansen's Disease patients.

SEC. 953. The state board may establish and maintain Hansen's Disease quarantine homes.

SEC. 954. If the state board is unable to locate Hansen's Disease quarantine homes on state or county land, it may exercise the right of eminent domain to establish Hansen's Disease quarantine homes.

SEC. 955. The state board shall destroy or cause to be destroyed all articles of personal property, which may have been used by a person afflicted with Hansen's Disease and which may spread Hansen's Disease.

Division 6. Furnishing of Biologicals for the Indigent

SEC. 1000. All counties, cities, and towns shall supply without charge diphtheria, scarlet fever and tetanus (lockjaw) antitoxin and rabies vaccine to persons financially unable to purchase them, upon the application of a duly licensed physician.

SEC. 1001. Each township in this state is hereby authorized to supply insulin without charge to its residents who are in need of insulin treatment for diabetes and who are financially unable to purchase the insulin, upon the application of a duly licensed physician.

SEC. 1002. The state board shall supply the necessary application blanks to all local health officers for the administration of Sections 1000 and 1001. The local health officers shall supply physicians with the blanks on request. The application blanks shall be designed to provide the statistical information required by the state board.

SEC. 1003. The physicians applying for free biologicals provided for in this division shall sign in ink the following affirmation printed upon the blank: I solemnly affirm that the free biologicals applied for will be administered to the person named above, and it is my belief after inquiry that the person is financially unable to pay for them.

SEC. 1004. Upon receipt of an official blank properly filled out and signed in ink by a physician, any dealer may supply the biologicals called for in the blank, and when this is filed with the proper financial officer, this shall be a legal claim for the market price of the biologicals

furnished, against the appropriate county, township, city, or town in which it is used and against which the blank is issued.

SEC. 1005. All costs which may be incurred in furnishing any biologicals under the provisions of this division shall be paid by the appropriate county, township, city, or town against which the blank is issued from general funds not otherwise appropriated without appropriations.

SEC. 1006. All local health officers shall make official records of all cases in which free biologicals have been furnished in their respective jurisdictions, and shall by the fifth of each month, for the preceding month, send such information as required to the state board.

SEC. 1007. The state board may in the interest of disease prevention and control supply without charge preventive biologicals to local health officers for immunization of persons financially unable to purchase them and the state board shall determine the procedures necessary for the proper administration of this section.

ARTICLE 3. VITAL STATISTICS

Division 1. General Provisions

SEC. 1200. The state board shall provide a system of vital statistics for the state to be administered by a division of the state board of health.

SEC. 1201. For the purposes of this article, terms have meanings as follows:

1. "Vital statistics" includes factual data concerning births, deaths, and stillbirths with such personal, medical and social data as relates thereto; and the registration, preparation, transcription, collection, compilation, and preservation of the data concerning births, deaths, and stillbirths.

2. "Live birth" or "birth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.

3. "Stillbirth" means a birth after 20 weeks of gestation which is not a live birth.

4. "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the condition of which it reasonably may be concluded that death recently occurred.

5. "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

6. "Physician" means a person legally authorized to practice medicine in this state.

7. "Person in attendance at birth" means a physician, midwife or other person who is legally authorized to attend a patient in childbirth.

SEC. 1202. Each local health jurisdiction is a registration district for vital statistics and the local health officer shall be the local registrar.

SEC. 1203. The employee in charge of the division of the state board administering the system of vital statistics shall be known as the "state registrar" and shall have charge of the files and records pertaining to vital statistics and perform the duties prescribed by the state board.

SEC. 1204. The state board shall prescribe the information to be contained in each kind of application, certificate, report, or permit required by this article and shall make and amend the necessary rules and regulations for collecting, transcribing, compiling, and preserving vital statistics.

Division 2. Births

SEC. 1205. The person in attendance at a live birth shall file a certificate of birth with the local health officer.

SEC. 1206. If there was no person in attendance at the birth, one of the parents shall file a certificate of birth with the local health officer.

SEC. 1207. The certificate of birth shall be filed within five (5) days after the birth occurs.

SEC. 1208. If no person was in attendance at the birth and neither parent of the child is able to prepare the certificate, or if the local health officer does not receive a certificate of birth, the local health officer shall prepare a certificate of birth from information secured from any person who has knowledge of the birth.

SEC. 1209. A local health officer may accept for filing a certificate of birth presented for filing within four (4) years after the birth occurred if the attending physician or midwife or other person desiring to file the certificate gives a written statement of reason for the delay in filing the certificate. The written statement of reason for delay shall be made a part of the certificate of birth.

SEC. 1210. The local health officer from such birth certificate shall make a permanent record of the name, sex, date of birth, place of birth, name and birthplace of parents, and the date of filing of the certificate of birth which record shall be open to public inspection. Provided, however, that records of the birth of children born illegitimately shall be kept in a separate record and shall not be open to public inspection. Disclosure of illegitimacy of birth or of information from which it can be ascertained may be made only upon order of a court or the judge thereof.

SEC. 1211. The state board may make additions to or corrections in a certificate of birth upon receipt of adequate documentary evidence.

SEC. 1212. A certificate of birth presented for filing more than four (4) years after the birth occurred is a delayed certificate of birth and such record shall be filed only with the state board.

SEC. 1213. The state board shall make rules concerning the application for, the supporting documents for, and the acceptance of delayed certificates of birth. The state board shall keep delayed certificates of birth in a file separate from other certificates of birth.

SEC. 1214. The state board shall issue a certificate of birth registration without charge to the applicant for a delayed certificate of birth if it finds such application is properly executed.

SEC. 1215. The probative value of a delayed certificate of birth shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

SEC. 1216. The provisions of this article are supplementary to any other laws of this state with reference to establishment and proof of birth.

SEC. 1217. A person who assumes custody of a child of unknown parentage shall report immediately to the local health officer.

SEC. 1218. The local health officer shall prepare a certificate of birth for a child of unknown parentage in which the place where the child was found or where custody was assumed shall be known as the place of birth and the date of birth shall be determined by approximation. If the child is identified or if a regular certificate of birth is found or obtained the local health officer shall correct his records and file a corrected certificate of birth with the state board.

SEC. 1219. A child born illegitimate shall be recorded under the name of the mother.

SEC. 1220. If the alleged father marries the mother of an illegitimate child, the local health officer shall accept a new certificate of birth filed within six (6) months after the marriage on the request of either of the parents or their agent for the purpose of using the father's surname. The local health officer shall then correct his local record according to the new certificate, removing all trace of illegitimacy. The new certificate shall be forwarded to the state board with an attached statement by the local health officer indicating for whom the new certificate is being filed.

SEC. 1221. Upon receipt of such certificate with attached statement, the state board shall file the new certificate in place of the original and destroy the original certificate.

Division 3. Deaths and Stillbirths

SEC. 1222. The person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred.

SEC. 1223. The person in charge of interment shall secure such personal data as may be required by the state board for preparation of the certificate of death or of stillbirth from the persons best qualified to give the information.

SEC. 1224. The person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

SEC. 1225. If the death or stillbirth occurred without medical attendance, or if the physician last in attendance is physically or mentally unable to sign the certificate of death or stillbirth, the local health officer shall inquire into the cause of death from such person or persons having knowledge of the facts regarding the cause of death, and certify the cause of death on the basis of such information.

SEC. 1226. If the circumstances suggest that the death was caused by other than natural causes, and there is an attending physician he

shall refer the case to the coroner for investigation. If the circumstances suggest that the death was caused by other than natural causes and there is no attending physician or the attending physician has failed to refer the case to the coroner, the local health officer shall refer such case to the coroner for investigation as prescribed by the statutes concerning coroners' duties. Any death coming under the supervision of any coroner shall be by him reported upon official death certificate blanks to the health officer having jurisdiction, within three days after the inquest is held and such death shall not be reported by any other person.

SEC. 1227. The local health officer, from such stillbirth and death certificates, shall make a permanent record of the name, sex, age, place of death, and residence of deceased, which records shall be open to public inspection. The local health officer may also make records of such other data in connection with such deaths which he may desire for statistical purpose or for the purpose of planning health programs which latter records shall not be public records.

SEC. 1228. Upon receipt of a properly executed certificate of death or of a stillbirth, the local health officer shall issue a permit for the disposal of the body.

SEC. 1229. The person in charge of interment shall secure a permit for the disposition of the body prior to any disposition of the body or prior to removing the body from the local health jurisdiction in which the death occurred.

SEC. 1230. If the body is to be transported by common carrier, the person in charge of interment shall secure a burial-transit permit in duplicate.

SEC. 1231. The person in charge of interment shall attach one copy of the burial-transit permit to the shipping box in which the body is transported.

SEC. 1232. When death occurs outside this state and the body is accompanied by a burial-transit permit issued where death occurred, the permit shall authorize transportation into this state, but before burial, cremation, or other disposal of the body within this state, the health officer having jurisdiction shall indorse the permit and keep a record thereof.

Division 4. Reports to State Board

SEC. 1233. On the fourth (4th) day of each month the local health officer shall report to the state board concerning the births, deaths, and stillbirths which have occurred within his jurisdiction within the preceding month.

SEC. 1234. The report shall contain:

1. The original copy of each certificate of birth, of death, or stillbirth.

2. A certification that no other births, deaths, or stillbirths occurred within his jurisdiction to the best of his knowledge and belief.

3. Any other information required by the state board.

Division 5. Certificates of Birth and Death Registration

SEC. 1235. A local health officer shall provide a certificate of birth, death, or stillbirth registration upon request by any person.

SEC. 1236. The local health officer may make a charge not in excess of one dollar ($1.00) for each certificate of birth, death, or stillbirth registration; provided that no charge shall be made by any local health officer of this state for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate.

1. To establish his age or to establish the dependency of any member of his family in connection with his service in the Armed Forces of the United States.

2. To establish his age or to establish the dependency of any member of his family in connection with a death pension or disability pension of any person who is serving or has served in the Armed Forces of the United States.

3. To establish or to verify the age of a child in school who desires to secure a work permit.

SEC. 1237. The records and files of the division of the state board of health concerning vital statistics are subject to the provisions of this act and regulations of the state board; data therein contained may be disclosed only as follows:

1. Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court or the judge thereof.

2. The state registrar shall permit inspection of the records or issue a certified copy of a certificate or part thereof if he is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

3. The board may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made.

4. In any extraordinary case wherein the state registrar has satisfied himself that a direct tangible and legitimate public interest is subserved.

ARTICLE 4. SANITATION

Part 1. Food Sanitation

Division 1. Food Establishments

SEC. 1300. "Food" means and includes all articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound and all substances or ingredients used in the preparation thereof.

SEC. 1301. "Food handling" means producing, processing, handling, preparing, manufacturing, packing, storing, selling, distributing, or transporting of food.

SEC. 1302. "Food establishment" means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

SEC. 1303. The state board may make rules and regulations for the efficient enforcement of this division and to establish minimum sanitary standards for the operation of all food establishments. Rules promulgated under the provisions of this division shall be made in accordance with the provisions of the state statutes concerning the establishment and promulgation of rules by state agencies.

SEC. 1304. At all times the state board or its representative shall have full power to enter any food establishment or any place suspected of being a food establishment and may inspect the premises, utensils, fixtures, equipment, furniture, and machinery used in food handling.

SEC. 1305. For the purpose of enforcing this article, the local health officers shall be food sanitarians subordinate to the state board.

SEC. 1306. If, upon inspection of a food establishment, the officer or sanitarian finds any employer, operator, or other employee to be violating any provision of this article, the officer or sanitarian shall furnish evidence of the violation to the prosecutor of the county or circuit in which the violations occur, and he shall prosecute all persons violating any of the provisions of this article or rules promulgated pursuant to this act. Or the officer or sanitarian shall report the conditions and violation to the secretary of the state board, who may issue an order to the person in authority at the offending establishment to abate the condition or violation within a period of five (5) days or other reasonable time as may be required to abate them. Such proceedings to abate shall be in accordance with the law relating to administrative adjudication by state officers and agencies.

SEC. 1307. A food establishment shall be adequately lighted, heated, drained, and ventilated and supplied with uncontaminated running water and with adequate sanitary facilities.

SEC. 1308. The floors, sidewalls, ceilings, furniture, receptacles, implements, and machinery of a food establishment and a vehicle used for transporting food products shall at all times be clean and sanitary.

SEC. 1309. The food establishment and the machinery used in the food establishment shall be constructed so as to be easily and thoroughly cleaned.

SEC. 1310. The sidewalls, woodwork, and ceiling of a food establishment shall be made of an impervious material with a finish which is washable, and the sidewalls, woodwork, and ceiling shall be kept washed clean with a detergent and water.

SEC. 1311. The floor of a food establishment shall be made of non-absorbent material which can be flushed with water, and the floor of a food establishment shall be kept washed clean with a detergent and water.

SEC. 1312. Food establishments shall be protected by all reasonable means against the presence of and entrance of domestic animals, rodents, flies and other insects.

SEC. 1313. Refuse, dirt and waste products subject to decomposition and fermentation incident to food handling shall be removed daily.

SEC. 1314. A food establishment shall have a convenient toilet room separate and apart and not opening directly into a room which is used for food handling. The floor of the toilet room shall be made of non-absorbent material and shall be washed and scoured daily. Each toilet fixture shall be adequately ventilated. Each toilet room shall be adequately ventilated.

SEC. 1315. A food establishment shall have a washroom adjacent to each toilet room. The washroom shall be supplied with adequate lavatories, soap, hot and cold running water, and clean individual towels and shall be kept clean by washing with a detergent and water.

SEC. 1316. A room which is used for food handling or which is equipped for use for food handling shall not be used for any other purpose.

SEC. 1317. Rooms separate and apart from rooms used for food handling shall be provided for the changing and hanging of wearing apparel. These rooms for changing and hanging wearing apparel shall be kept clean.

SEC. 1318. A person shall not expectorate in or on the machinery, equipment, floor, or sidewalls or other structure of any food establishment.

SEC. 1319. A person shall not live or sleep in any room used for food handling or in any room opening directly into a food establishment.

SEC. 1320. A person who has a communicable or infectious disease shall not work in a food establishment.

SEC. 1321. A person shall wear clean outer garments while he works in a food establishment.

SEC. 1322. A person who works in a food establishment shall wash his hands and arms thoroughly with soap and clean water before be-

ginning work, before resuming work after a rest period, and before resuming work after visiting a toilet room.

SEC. 1323. A person shall not sit or lie upon equipment used or installed for use in handling food.

SEC. 1324. Any person who violates any of the provisions of this division or who refuses to comply with any lawful orders or requirements of the secretary of the state board duly made in writing as provided in this division shall be guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars; for the second offense by a fine of not more than one thousand dollars; and for the third and subsequent offenses by a fine of not more than one thousand dollars to which may be added imprisonment for any determinate period not exceeding ninety days, and each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate such conditions as ordered by the secretary of the state board, shall constitute a distinct and separate offense.

Division 2. Cold Storage Warehouses

SEC. 1400. The term "cold storage warehouse" as used in this article is defined as a structure or a portion of a structure or a fixture which employs refrigerating machinery or ice for the purpose of refrigeration and which is used for cold storage of foods but does not include a "locker plant" or a "branch locker plant."

SEC. 1401. Cold storage is the storage of foods for thirty (30) days or more and at a temperature of forty-five degrees Fahrenheit (45°F.) or below.

SEC. 1402. The state board or its representative shall have full power at all times to enter and inspect a cold storage warehouse to determine whether such establishment is complying with the provisions of this division.

SEC. 1403. The state board may report violations of this division, relating to cold storage warehouses, to the prosecuting attorney of the county or circuit wherein the violation occurs, who shall prosecute all persons violating any of its provisions, or the state board may issue an order against the operator of such cold storage warehouse to cease the violation.

SEC. 1404. A person shall not operate a cold storage warehouse without a license issued for that purpose by the state board. A person who desires a license for a cold storage warehouse shall apply to the state board for the license. An application for a cold storage warehouse license shall be in writing and shall clearly designate the location of the proposed warehouse.

SEC. 1405. The state board may make rules concerning the application for, issuance of, and revocation of cold storage warehouse licenses. The rules may include standards of sanitation for the construction, operation, and maintenance of cold storage warehouses.

SEC. 1406. Upon receipt of an application for a cold storage warehouse license, the state board or its authorized representative shall inspect the proposed cold storage warehouse to determine whether the sanitation, construction, operation, and maintenance of the establishment meet the requirements of this division and rules and regulations promulgated thereunder.

SEC. 1407. The state board may by order revoke a cold storage warehouse license for violating any of the provisions of this division or any valid rule or regulation. Procedure for revoking the license shall be in accordance with the provisions of existing law.

SEC. 1408. The fee for a cold storage warehouse license shall be ten dollars ($10.00) per year and is payable to the state board. The license shall be issued for twelve (12) months and shall be renewed annually.

SEC. 1409. A person who operates a cold storage warehouse shall mark, stamp, or tag a food product which is placed or stored in such warehouse with the date when it is placed or stored therein. The mark, stamp, or tag may be placed on the product or it may be placed on the package in which the food product is enclosed. A person shall not remove, deface, alter, destroy, or injuriously affect the legibility of a mark, stamp, or tag on a food product or its container which has been placed or stored in a cold storage warehouse.

SEC. 1410. A person who operates a cold storage warehouse shall keep an accurate record of receipt and withdrawal of food products which are placed or stored in such cold storage warehouses.

SEC. 1411. A person who operates a cold storage warehouse shall mark, stamp, or tag a food product which is withdrawn from such cold storage warehouse with the date when it is withdrawn from cold storage.

SEC. 1412. A person who offers to place or to store in a cold storage warehouse a food product which has been brought into this state shall certify (1) that the food product has not been previously placed or stored in a cold storage warehouse; or (2) that the food product has been previously placed or stored in a cold storage warehouse and is marked, stamped, or tagged as required by this division; or (3) that the food product has been previously placed or stored in a cold storage warehouse, giving the period of storage, and is not marked, stamped, or tagged as required, by this division.

SEC. 1413. A person who operates a cold storage warehouse who places or stores in such cold storage warehouse a food product which has previously been placed or stored in and withdrawn from a cold storage warehouse shall keep a record of receipt and withdrawal in a manner which will make the length of time since the earliest date of cold storage easily ascertainable from an examination of the mark, stamp, or tag on the food product or its container and from the record of receipt and withdrawal.

SEC. 1414. A person shall not sell, or offer for sale a food product which has been in cold storage on a date which is more than nine

months after the date when the food product was first placed in cold storage unless the state board has found the food product to be fit for human consumption.

SEC. 1415. A person who operates a cold storage warehouse shall report to the state board any food product which remains in his cold storage warehouse at the close of regular business hours on a date which is nine months after the date when the food product was first placed in cold storage. Upon receipt of such a report, the state board or its representative shall examine the food product to determine whether it is fit for human consumption. If the food product is unfit for human consumption, the state board or its representative shall apply to a circuit, city, or justice of the peace court for an order that the food product be drenched in kerosene, rendered into grease and tankage, or otherwise destroyed as food for human consumption.

Division 3. Locker Plants

SEC. 1450. "Locker plant" means a location or establishment in which space in individual lockers is rented to individuals for the storage of food at or below a temperature of forty-five degrees above zero Fahrenheit (45°F.) and which has one or more of the following facilities: a chill room, sharp freezing facilities, facilities for cutting, preparing, wrapping, and packaging meats and meat products, fruits, and vegetables.

SEC. 1451. "Branch locker plant" means any location or establishment in which space in individual lockers is rented to individuals for the storage of food at or below a temperature of forty-five degrees above zero Fahrenheit (45°F.) after the food has been prepared for storage at a central plant.

SEC. 1452. "Locker" means the individual sections or compartments of a capacity of not to exceed twenty-five (25) cubic feet, in the locker room of a locker plant or branch locker plant.

SEC. 1453. "Sharp frozen" means the freezing of food in a room in which the temperature is zero degrees Fahrenheit (0°F.) or lower.

SEC. 1454. "Operator" means any person operating or maintaining a locker plant or branch locker plant.

SEC. 1455. The state board or its duly authorized agents shall have full power to enter and inspect at any reasonable time all locker plants and branch locker plants. The state board or its duly authorized agents shall inspect all locker plants and branch locker plants at least once each six (6) months and may make any additional inspections deemed necessary.

SEC. 1456. The state board shall choose persons to make the inspection who have a practical knowledge of the operation of, and the storage of food in locker plants. The inspectors shall have a thorough knowledge of the provisions of the law and the regulations of the state board applicable to locker plants and branch locker plants.

SEC. 1457. It shall be unlawful for any person to operate a locker plant or branch locker plant unless the person has secured a license therefor from the state board and has otherwise complied with the provisions of this division. A separate license shall be required for each locker plant or branch locker plant.

SEC. 1458. Application for a license shall be on written forms prescribed and furnished by the state board and shall be accompanied by the required license fee.

SEC. 1459. The state board shall prescribe the form of the license issued. It shall be under the seal of the state board and shall set forth the name of the licensee, the location for which the license is issued, the type of operation, the period of the license and any other information the state board may require.

SEC. 1460. The license fee for a locker plant or branch locker plant shall be fifteen dollars for a plant having two hundred individual lockers or less and an additional two dollars for each one hundred lockers or fraction thereof in excess of two hundred, except that in no case shall such fee exceed twenty-five dollars. If at any time during the period for which a license has been issued, the capacity of said locker plant or branch locker plant is increased by placing additional individual lockers therein, a fee of two dollars for each one hundred lockers or fraction thereof so added, shall be remitted to the state board within ten days thereafter, together with a statement of the total number of lockers then available for use, said additional fee to be applied to the current license. Provided, that in no case shall the total fee for any locker plant or branch locker plant exceed twenty-five dollars for any one year.

SEC. 1470. Licenses shall be for a term of one (1) year and shall be renewed annually upon like application and the payment of a like fee as the original license.

SEC. 1471. The original license or a certified copy of it shall be conspicuously displayed by the licensee in the locker plant.

SEC. 1472. Upon the receipt of the application for a license or a renewal license accompanied by the required fee, the state board shall inspect the sanitary condition of the plant to be licensed. If the state board finds the plant, its equipment, its facilities and its surrounding premises and the operations of the plant comply with the provisions of this division and the rules and regulations of the state board applicable thereto, the state board shall issue the license. After notice and hearing the state board may revoke the license for a locker plant or branch locker plant for failure to comply with the provisions of this division or any lawful rule or regulation of the state board concerning it.

SEC. 1473. If any license is revoked, the state board may permit the continued operation of the plant under the conditions or the supervision that the state board may prescribe for a period of not to exceed six (6) months. This additional time shall be to enable patrons to re-

move any food stored in the locker plant or branch locker plant. During this time no additional food shall be received or stored in the plant.

SEC. 1474. The operator of any locker plant or branch locker plant shall require all employees to have a semi-annual health examination by a physician, and health certificates for each of the employees on forms prescribed by the state board shall at all times be kept on file by the operator. No person suffering from any communicable disease, any communicable skin disease, or any infected wound and no person who is a "carrier" of any communicable disease shall be employed in any capacity in a locker plant or branch locker plant.

SEC. 1475. No person shall work or be employed in or about a locker plant or branch locker plant during the time in which a communicable disease exists in his residence unless he has from the state board or the local board of health of his residence a certificate stating that no danger of public contagion or infection will result from the employment of the person in the plant.

SEC. 1476. Every person employed by a locker plant and engaged in direct physical contact with the food during its preparation, processing or storage shall be clean in person and wear clean washable outer garments and suitable head covering, which are to be used only for that purpose.

SEC. 1477. Only persons specifically designated by the operator shall be permitted to touch food products with their hands. These persons shall keep their hands scrupulously clean.

SEC. 1478. All rooms and the premises and surroundings of a locker plant or branch locker plant shall be kept clean and sanitary at all times. All equipment and utensils shall be cleaned when put into use, thoroughly cleaned after each day's use, and stored or protected so as not to become contaminated. Lockers shall be thoroughly cleaned before they are leased or put into the possession of a patron.

SEC. 1479. Food stored shall be protected from filth, flies, dust, dirt, insects, vermin and other contamination and from any unclean or filthy practice in the handling or care of such food. No food shall be stored in such condition or manner as to cause injury to or deterioration of food in adjacent lockers. Tobacco shall not be used in any room where food is processed or stored. Waste or offal incident to the cleaning, storing or preparation of any food for storage shall be removed promptly from the premises and disposed of in a sanitary manner.

SEC. 1480. No room used for the preparation, processing, storage, display or sale of food shall be used as a living or sleeping room and dogs, cats, or other domestic animals shall not be permitted in them.

SEC. 1481. Locker plants shall be supplied with hot and cold running water. Water that comes in contact with any food or equipment shall be uncontaminated.

SEC. 1482. Locker plants shall have water flush toilets so located as to be readily accessible to employees and equipped with adequate

washing facilities and with hot and cold running water, individual soap and individual towels. The doors of all toilet rooms shall be full-length and self-closing. No toilet room shall open directly into any room in which food is prepared, processed, chilled, frozen, or stored. Toilet facilities and rooms shall be kept clean and sanitary.

SEC. 1483. The refrigeration system for a locker plant or branch locker plant shall be equipped with accurate and reliable controls, which shall be of adequate capacity to provide under extreme conditions of outside temperatures and under peak load conditions in the normal operations of the plant, for the automatic maintenance of uniform temperatures required in the various refrigerated rooms.

SEC. 1484. The chill room shall have a temperature within two (2) degrees Fahrenheit plus or minus of thirty-four degrees Fahrenheit (34°F.), with a tolerance of ten (10) degrees Fahrenheit for a reasonable time after fresh food is put in for chilling. A sharp freeze room or compartment shall have a temperature of ten degrees below zero Fahrenheit (-10°F.) or lower or a temperature of zero degrees Fahrenheit (0°F.) or lower when forced air circulation is employed, with a tolerance of ten (10) degrees Fahrenheit for a reasonable time after fresh food is put in for freezing. A locker room shall have a temperature of zero degrees Fahrenheit (0°F.) or lower with a tolerance of five (5) degrees Fahrenheit higher. The required temperatures for the various refrigerated rooms shall not be construed as prohibiting any variations which may occur during short periods of time incidental to defrosting.

SEC. 1485. An accurate self-registering or self-recording thermometer shall be provided in the locker room. The temperature records of the thermometers shall be kept at the plant and shall be preserved for at least one (1) year from the date of the recording. The thermometer in the locker room shall be placed in a position where it may be readily observed by patrons.

SEC. 1486. The floors, walls, and ceilings of locker plants and branch locker plants shall be of a construction and finish that can be conveniently kept clean and sanitary. Walls and ceilings of the processing rooms of locker plants shall be finished in a manner approved by the state board and shall be refinished as often as necessary.

SEC. 1487. The lockers in any plant shall be so constructed as to protect the contents from contamination, deterioration, or injury. Lockers with perforated bottoms shall be provided with a suitable unperforated liner or tray.

SEC. 1488. Any plant using a toxic gas refrigerant shall have at least one (1) gas mask of a type approved by the state board and shall place the gas mask where it will be readily accessible.

SEC. 1489. No food shall be placed in a locker for storage unless it has been sharp frozen. No food shall be placed in a locker for storage unless it has been inspected by the operator.

SEC. 1490. All meats shall be wrapped in paper suitable for wrapping meats that are to be frozen and stored and all fruits and vegetables shall be wrapped or packed before they are placed in a locker. Each wrapped portion shall be marked or stamped with the correct locker number and the date of wrapping.

SEC. 1491. When the operator comes into the custody or possession of fresh carcass meats, they shall be identified with a suitable tag or stamp. If the meats are not cleaned, they shall be washed with cold water or otherwise suitably cleaned and then shall be placed in the chill room sufficiently long to lose body heat unless they were previously chilled. In no case shall they be in the chill room less than twenty-four (24) hours.

SEC. 1492. In applying marks directly to meats or other food products, the operator shall use only nontoxic ink or other harmless substances.

SEC. 1493. Before being frozen, vegetables shall be cleaned, blanched, and immediately cooled with cold water and packed in suitable containers for freezing. Provided, however, that specific vegetables may be excepted from the requirement of blanching by regulation of the state board. Before being frozen, fruit shall be cleaned and packed in suitable containers for freezing.

SEC. 1494. No fish shall be stored in any locker unless the fish are properly frozen and wrapped. They shall be handled so as to protect equipment and other stored foods from fish flavors and fish odors. All unfrozen fish shall be promptly washed with clean water and frozen, wrapped, and marked with the date and the patron's locker number.

SEC. 1495. Any game or fish shall be stored or handled in conformity with the fish and game laws of the state and the rules and regulations of the Department of Conservation.

SEC. 1496. Foods not for human consumption shall be stored in a room or locker specifically set apart for that purpose and shall bear a label or tag bearing plainly and conspicuously in letters not less than three-eighths (⅜) of an inch in height the words "Not for Human Consumption." These foods shall not be stored in the chill room, ageing room, sharp freeze room or locker room of any locker plant or branch locker plant.

SEC. 1497. Only duly authorized agents of the state board shall be permitted access to another patron's locker and its contents without proper authorization. Patrons shall not be permitted to handle meats or foods, other than their own, which are stored in the chill room or are in the process of preparation for freezing for storage.

SEC. 1498. Operators of a locker plant or branch locker plant shall have a lien upon all property in his possession for all locker rentals and processing, handling, and other charges due from the owner of the property. This lien may be secured and enforced in the same manner as mechanic's liens are secured and enforced.

SEC. 1499. Operators of locker plants or branch locker plants shall not be construed to be warehousemen nor shall receipts or other instruments issued by the operators in the ordinary conduct of their business be construed to be warehouse receipts or subject to the laws applicable to them.

SEC. 1500. The operator of a locker plant or branch locker plant shall keep an accurate and complete record of the name and address of each patron renting a locker or storing food, the rental period for each locker rented, the charge for it, and the payments made.

SEC. 1501. Patrons renting lockers who are directly or indirectly engaged in the selling of foodstuffs shall declare this fact to the operator and suitable entry shall be made on the operator's records.

SEC. 1502. The operator of the locker plant shall supply a patron with an accurate and complete report of the carcass weight of carcasses or parts of carcasses delivered for cutting, processing, or freezing, and the quantities used for sausage or other meat products, if, at the time of delivery, the patron requests it.

SEC. 1503. If, at the time of delivery, the patron requests it, the operator shall supply him with a correct and complete report showing the weight and quantity of the fruits and vegetables received for preparation, processing, or freezing, and the size and number of containers of finished products packed.

SEC. 1504. If any licensee violates any of the provisions of this division or any lawful rule or regulation of the state board made under this division, his license may be revoked by the state board.

Division 4. Milk and Milk Products

SEC. 1550. As used in this article, unless the context otherwise requires: "Dairy herd" means five (5) or more cows, goats, or other milking animals owned or controlled by a person engaged in the business of producing milk. "Dairy" means and includes any person owning or managing or controlling a dairy herd or herds who puts the raw milk produced in bottles or other containers in which it is designed to be sold to the final consumer. "Raw milk" means and includes raw milk and raw cream produced from one (1) or more dairy herds which has not been processed other than by cooling. "Milk products" shall mean all products other than raw milk or raw cream, but derived or produced from them, either whole or in part, and shall include; but shall not be limited to: pasteurized milk or cream, chocolate milk, skim milk, part skim or whole milk; evaporated or condensed milk or cream; dried or powdered whole or skim milk or cream; butter; butter-milk, either liquid, condensed, dried, or cultured; cheese, cottage cheese, ice cream, sherbets, fruit ices, and other frozen dairy products; and all other products of milk or cream. "Milk products plant" is a place or premise where milk products are manufactured, processed, or prepared for distribution. "Milk products distributor" is a person engaged in the business of buying or receiving raw milk or cream or milk products, directly or indirectly from the pro-

ducer or manufacturer, for the purpose of handling, processing, placing in containers, preparing, distributing, or selling, or collecting raw milk or cream over any milk or cream route. It shall not be so construed by this definition that a store or market receiving and selling bottled or packaged milk products in the original containers or package only shall be considered as such distributor, nor shall a restaurant, soda fountain, or similar establishment serving milk products be so considered. "Milk container" means any container in which raw milk or a milk product is offered for sale or sold or distributed for human consumption, whether it be used or designed to be used once only, or to be used or be designed to be used repeatedly, in the preparation, transportation, distribution, or sale of milk or milk products for human consumption. "Milk container exchange" means a business in which a person is solely engaged in collecting identifiable refillable milk containers, restoring them to their lawful owners, and receiving a service fee or charge.

SEC. 1551. The pasteurization of milk or cream to be sold as fluid milk or cream, or manufactured into flavored milk, buttermilk, cheese, cottage cheese, milk powder, butter, or condensed milk shall be defined to mean that every particle of milk or cream shall be heated to a temperature of not less than one hundred and forty-three degrees Fahrenheit (143°F.) and the milk shall be kept at that degree of temperature for not less than thirty (30) minutes; or, by heating every particle of milk or cream to a temperature of not less than one hundred sixty degrees Fahrenheit (160°F.) and keeping the milk or cream at that degree of temperature for not less than fifteen (15) seconds or, every particle of milk or cream shall be heated to any other degree of temperature and keep the milk or cream at that degree of temperature for such period of time or by any other method as may be prescribed and fixed by regulations adopted by the state board.

SEC. 1552. The pasteurization of ice cream or sherbet mixture, excepting fruits, fruit juices, nuts, cocoa or chocolate, maple syrup, cakes, confections, or other flavoring or color shall be defined to mean: Every particle of the mixture shall be heated to one hundred fifty-five degrees Fahrenheit (155°F.) and held at that temperature for not less than thirty (30) minutes; or, every particle of the mixture shall be heated to any other degree of temperature and keeping the mixture at that degree of temperature for such period of time or by any other method as may be prescribed by regulations of the state board.

SEC. 1553. The state board is authorized to promulgate regulations defining grades of raw milk and cream and various tests to be made at different intervals in the purchase of raw milk and cream for the manufacturing or processing of milk products and to promulgate sanitary regulations for the enforcement of this division, relating to the production, manufacturing, processing, handling, packing, storing, distributing, and transporting of dairy products.

SEC. 1554. Whenever the state board or its authorized agents find insanitary conditions existing in violation of sanitary laws of the state of Indiana, or a violation of any of the provisions of this chapter, in any dairy, milk products plant, by a milk products distributor, or any place

where dairy herds are kept within this state from which insanitary or illegal raw milk or milk products are sold, it shall, by notice in writing to the person committing the violation, prohibit the sale of any raw milk or milk products of the distributor until the insanitary condition or violation shall be removed to the satisfaction of the state board and the prohibition terminated in writing.

SEC. 1555. The state board and its agents shall be charged with the enforcement of this division and for that purpose shall have the right to enter upon and inspect premises on which containers are stored, suspected of being stored, or trafficked in, or in which raw milk or milk products are produced, purchased, received, transported, stored, or processed, and put in containers to be offered for sale, or sold, or distributed for human consumption.

SEC. 1556. It shall be the duty of every prosecuting attorney to whom the state board or its agents shall report any violation of the provisions of this division to cause proceedings to be commenced against the person violating the provisions of this division and to prosecute him to final termination.

SEC. 1557. It shall be unlawful for any person to operate a dairy, a milk products plant, as a milk products distributor, or engage in collecting raw milk upon any established milk or cream route for or for sale to any milk products plant or milk products distributor without a permit to do so.

SEC. 1558. It shall be unlawful for any person engaged in either the processing or putting of raw milk or milk products in milk containers or engaged in the business of selling and distribution of such products for human consumption to refuse to permit the inspectors and agents of the state board entrance to the person's premises or by any means prevent their performance of duties upon such premises.

SEC. 1559. It shall be unlawful for any person to manufacture, sell, exchange, or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed milk, ice cream, evaporated milk, or powdered milk which shall not conform to at least the minimum standards established and approved by the state board and which, if contained in hermetically sealed cans, does not bear, stamped or labeled there, the name and address of the manufacturer, jobber, or dealer.

SEC. 1560. It shall be unlawful for any person to sell or exchange or expose for sale or exchange, or have in possession with intent to sell or exchange any condensed or evaporated or powdered skim milk in containers holding less than ten (10) pounds avoirdupois net weight, and each container shall bear the name and address of the manufacturer, distinctly branded, indented, labeled, or printed, together with the words, "Condensed Skim Milk" or "Powdered Skim Milk" as the case may be, in Roman letters at least as large as any other letters appearing on the brand, indentation, or label.

SEC. 1561. It shall be unlawful for any person to manufacturer, sell, exchange, or deliver or have in his possession with intent to sell,

exchange or deliver any milk, cream, skim milk, condensed milk, evaporated milk, or powdered milk, which is mixed with sugar, eggs, flavors, or other substances, if (1) made in imitation or semblance of ice cream, or (2) calculated or intended to be sold as ice cream or for ice cream and which in either case does not conform with the standards for ice cream as approved and adopted by the state board.

SEC. 1562. It shall be unlawful for a milk products distributor engaged in collecting raw milk or cream upon any milk or cream route to sample raw milk for the purpose of testing for butterfat or to transfer raw milk from one can to another while in transit, except in a milk products plant or in a room equipped in conformity with the requirements of the law and the regulations enforced by the state board.

SEC. 1563. It shall be unlawful for any person to offer or expose for sale, sell, exchange or deliver, or have in his possession with intent to sell, exchange, or deliver, any milk or milk products unless every particle of milk, cream or skim milk used in its processing or manufacture has been thoroughly pasteurized as provided in equipment approved by the state board.

SEC. 1564. It shall be unlawful for any person to place or suffer to be placed in any can or receptacle any sweepings, refuse, dirt, litter, garbage, filth, or any other animal or vegetable substance liable to decay and tending to produce or promote an insanitary condition, nor shall any person allow any can or receptacle to remain uncleansed or bring or deliver to any person any such can or receptacle for the purpose of return, or any milk, cream, or ice cream can or receptacle for the purpose of delivery or shipment to any person or creamery engaged in selling or shipping substances for consumption as human food, when the can or receptacle contains particles of milk, cream, or ice cream or other substance prohibited from being placed there.

SEC. 1565. It shall be unlawful for any milk products distributor, milk products plant or dairy to put raw milk or milk products in containers upon the side of which is printed or blown or otherwise permanently marked the name or registered mark or device of any other person without written consent of such person.

SEC. 1566. It shall be unlawful for any person to deface, erase, obliterate, conceal, cover up, or remove the name or registered mark or device of another appearing upon the side or body of any container, or destroy, secrete, withhold, buy, receive, sell, give away, or otherwise dispose of or traffic in any container upon the side or body of which is printed or blown or otherwise permanently marked the name or registered mark or device of another without the written consent of the person whose name or registered mark or device appears on the milk container.

SEC. 1567. The provisions of this division upon pasteurization shall not apply to any person selling or offering for sale cheese of the cheddar type which has been made from unpasteurized milk: Provided such cheese was made from unpasteurized milk and has been cured or ripened

for not less than sixty (60) days at a controlled temperature of not less than thirty-five degrees Fahrenheit (35° F.); or provided, that the cheese is manufactured solely for the purpose of being made into processed cheese, which shall be pasteurized during the blending or manufacturing process.

SEC. 1568. The provisions of this division upon pasteurization shall not apply to any person selling milk or cream for fluid consumption, cottage cheese, or farm butter from their own cows which are accredited as free from tuberculosis by state and federal authorities and as free from Bang's disease by the Indiana state livestock sanitary board.

SEC. 1569. The provisions of this division shall not apply to any milk, cream, or condensed milk, shipped outside the state or which is produced, processed, or handled exclusively for sale to a milk products distributor.

SEC. 1570. A permit to operate is not required of producers selling raw milk to a milk products plant or engaged in the transportation of their own product to a milk products plant.

SEC. 1571. This division shall not be construed to render unlawful the delivery to and the receiving of refillable milk containers by exchanges in the usual course of their business and for the bona fide purpose of restoring the containers to their lawful owners.

SEC. 1572. Any person desiring to engage in the business of operating a dairy, a milk products plant, as a milk products distributor, or collecting raw milk or cream upon any milk or cream route for, or for sale to any milk products plant or milk products distributor, shall before commencing business, make written application in the form prescribed by the state board, to said board for a permit.

SEC. 1573. Upon filing of this application, the state board or its authorized agents shall examine it, and if from the application it appears that the person has complied with all the provisions of the law and regulations enforced by the state board, it shall (1) in the case of dairies or milk products plants cause the premises, location, and equipment to be inspected within ten (10) days of the receipt of the application for permit, and if the premises, location, and equipment meet all requirements, it shall issue a permit entitling the person to operate a dairy or milk products plant; or (2) in the case of a milk products distributor, issue a temporary permit for a period of not more than ninety (90) days, which shall entitle the person to engage in the business of operating as a milk products distributor until the time when the state board shall cause the premises, location, and equipment of the proposed business to be inspected, and if the inspection meets all the requirements, it shall then issue a permit entitling the person to operate as a milk products distributor.

SEC. 1574. Dairies, milk products plants, and milk products distributors which have a permit on the effective date of this act may continue under such permit until terminated or revoked.

SEC. 1575. The permit shall terminate in the event of discontinuance of operation for a period of sixty (60) days, or a transfer of the place of business from one (1) building or room to another, or upon the revocation of the permit by the state board, as provided by law. The permit shall not be transferable. A fee of one dollar ($1.00) accompanying the application shall be paid to the state board by the applicant, which shall be full fee for issuing a temporary permit and the regular permit as provided.

SEC. 1576. A permit to operate a dairy, a milk products plant, or as a milk products distributor shall be for an indefinite period of time, provided that during the indefinite period of time the premises, location, and equipment are maintained in such manner as to continuously comply with all provisions of law and the regulations of the state board.

SEC. 1577. Any milk products plant or group of plants desiring approved inspection may employ one or more approved inspectors. An approved inspector is one who has proved to the satisfaction of the state board or its authorized agents to be a person of good character, trained by school and experience to carry on dairy farm and milk plant inspection, and who has qualified, after an examination, for a permit of approval from the state board. Applications for permits of approval for approved inspectors shall be made on forms prescribed by the state board and shall be accompanied by a fee of five dollars ($5.00).

SEC. 1578. Applications for renewal of permits shall be made on forms prescribed by the state board and shall be accompanied by a registration fee of one dollar ($1.00) and shall be returned to the state board not later than June 15, of each year. All permits of approval shall expire on June 30, of each year. Permits of approval shall not authorize an approved inspector to be an official employee, agent, or representative of the state board, nor shall he so represent himself.

SEC. 1579. Permits of approval may be refused or suspended or revoked for failure to comply with the provisions of this article or valid rule or regulation of the state board.

SEC. 1580. Every pasteurizer of any milk or milk products shall be equipped with both accurate indicating and accurate recording thermometers of a type approved by the state board, and the records of the pasteurization of each batch pasteurized shall be retained for not less than ninety (90) days. Each recording thermometer chart shall be dated, numbered, show the amount in gallons and kind of product pasteurized, the accurate reading of the indicating thermometer, the time of day the reading was made, and the operator's initials. Each chart shall not be used for more than one (1) day's operations.

SEC. 1581. All cheese made from unpasteurized milk and offered or exposed for sale to the consumer shall be labeled by the manufacturer or distributor with his name and address or any equivalent identifying number or symbol and with the date of manufacture or statement to the effect that the cheese has been cured or ripened for sixty (60) days or more. All varieties of cheese other than that of the cheddar type made

from unpasteurized milk shall be ripened for such time and under such conditions as the state board may prescribed by regulation.

SEC. 1582. It shall be unlawful for any person to sell any condensed skim milk with which has been blended or homogenized any fat (other than milk fat), oil, or other substance, resulting in a product in imitation or semblance of evaporated or condensed milk or its derivatives, or under any fictitious or trade name whatsoever, unless a license tax equal to five (5) per cent of the wholesale purchase price of the product shall have been paid and evidenced by a certificate stamped or pasted on each carton containing the product.

SEC. 1583. Every person who shall sell any condensed skim milk, with which has been mixed, blended, or homogenized any fat (other than milk fat), oil, or other substance in imitation or semblance of evaporated or condensed milk, or its derivatives, or under any fictitious or trade name, shall be liable to the State of Indiana for a license tax equal to five per cent (5%) of the wholesale purchase price of any and all such products sold, unless the tax has been paid by the manufacturer or the wholesaler and evidenced by a certificate stamped or pasted on the carton containing the product. The tax should be paid monthly on or before the fifteenth day, covering sales of the product made within the preceding month, and the proceeds of the tax shall be available to the state board.

ARTICLE 4. SANITATION

Part 2. Housing

Division 1. Sanitary Schoolhouse Law

SEC. 1600. Schoolhouses shall be constructed or remodeled in accordance with the sanitary principles and rules and regulations of the administrative building council and the state board. Sites shall be drained so as to secure and maintain dry grounds and buildings. Good dry walks shall lead from the street or road to the schoolhouse, and to the outhouses. Suitable playgrounds shall be provided for all schools.

SEC. 1601. No school site, schoolhouse, or addition to a schoolhouse shall be located nearer than five hundred (500) feet to any steam or interurban railroad, livery stable, horse, mule, or cattle barn used for breeding, any noisemaking industry, or any unhealthful conditions. Nor shall any such establishment, industry or unhealthful condition be located or erected within five hundred (500) feet of any school site, schoolhouse, or schoolhouse addition. This provision may be waived on written approval of the superintendent of public instruction, the secretary of the state board, and the administrative building council.

SEC. 1602. Stone, brick, or tile school buildings shall have a masonry foundation. Each pupil shall be provided with not less than two hundred twenty-five (225) cubic feet of space. The interior walls and the ceiling shall be painted or tinted some neutral color.

SEC. 1603. Schoolrooms in which pupils are seated for study shall have windows on only one side unless the state board and the administrative building council shall authorize otherwise. The glass area shall be not less than approximately one-sixth (1/6) of the floor area. The windows shall extend from not less than approximately four (4) feet from the floor to approximately one (1) foot from the ceiling.

SEC. 1604. The cloakrooms shall be well-lighted, warmed, and ventilated or sanitary lockers shall be provided.

SEC. 1605. Schoolhouses shall be supplied with potable drinking water which comes from sources approved by the state board. Whenever it is practicable, flowing sanitary drinking fountains which do not require drinking cups shall be provided. If drinking cups are necessary, they shall be individual smooth glass, enameled metal, or otherwise sanitary drinking cups. Water buckets and tin drinking cups shall not be used.

SEC. 1606. Schoolhouse wells and pumps shall be supplied with troughs or drains to take away waste water. Pools, sodden places or mudholes shall not be allowed near a well. When water is not supplied at pumps or from water faucets or sanitary drinking fountains, covered tanks or coolers with spring or self-closing faucets shall be provided.

SEC. 1607. Schoolhouses shall be supplied with heating and ventilating systems of such design and construction as to furnish the occupants a sufficient volume of warm and healthful air at all times. The heating and ventilating system shall be installed according to the rules and regulations of the state board and the administrative building council. Any township trustee, board of school trustees or boards of school commissioners may lawfully establish and maintain open air schools, and these provisions for heating and ventilation shall not apply.

SEC. 1608. Water closets shall be efficient and sanitary and furnished with stalls for each place. When water closets are not provided, there shall be a separate sanitary outhouse for each sex. Outhouses for males shall have urinals arranged with stalls and shall have galvanized iron conduits or drain pipes of vitrified or other impervious material. The conduits shall drain into a vault or other suitable place approved by the health authorities.

SEC. 1609. Any money claims for construction or remodeling or for any materials, supplies, sanitary apparatus or systems furnished or constructed for any school house shall be null and void if such construction or remodeling does not comply with the requirements of this division.

SEC. 1610. Schoolhouses and school busses shall be specially cleaned and disinfected each year before they are used for school purposes and shall be maintained in a clean and sanitary condition throughout the school year. The cleaning, disinfecting, and maintenance of sanitary conditions shall be done in accordance with the rules of the state board.

SEC. 1611. Each year in the fifth grade of all public schools, the primary principles of hygiene and sanitary science shall be taught. Special instruction concerning the principle ways in which dangerous communicable diseases are spread and the best sanitary methods for the restriction and prevention of these diseases shall be given. Hygiene may be taught in other grades, at the will of the school authorities.

SEC. 1612. The state health commissioner and the state superintendent of public instruction jointly shall compile in leaflet form printed data setting forth as clearly as possible the primary principles of hygiene and sanitary science and the information concerning the prevention of diseases. They shall supply these pamphlets to all school superintendents, who in turn shall supply them to the schools in their jurisdiction and shall see that the teachers do their duty.

SEC. 1613. It shall be the duty of every prosecuting attorney to whom the state board or its duly authorized agents shall report any violation of the provisions of this division to cause proceedings to be commenced against the person violating the provisions of this division and to prosecute him to final termination.

SEC. 1614. Any person selling, trading, or giving to any township trustee or board of school commissioners for use in a schoolhouse any materials, supplies, sanitary apparatus or systems, which do not comply with the provisions of this division shall be guilty of a misdemeanor.

Upon conviction, he shall be fined not more than five hundred dollars ($500), to which may be added imprisonment for a period of not more than six (6) months. For each day he fails to comply with any court order for the correction of defects in the schoolhouse, he shall be fined not less than five dollars ($5.00).

Division 2. Dwellings Unfit for Human Habitation

SEC. 1650. Nothing in this division shall be deemed to repeal any existing valid city or town ordinance dealing with the same subject matter.

SEC. 1651. The inspector of buildings in any city or town may exercise all the powers granted him in a city or town ordinance dealing with housing and granted in this division to boards of health.

SEC. 1652. The state board shall not exercise any power granted in this division without first giving to the local board of health or county health officer having jurisdiction a notice setting forth the conditions which have been certified to it or of which it has knowledge. Upon failure of such local board or county health officer to act within three (3) days after the notice, the state board may exercise the granted powers.

SEC. 1653. "Dwelling" shall include any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

SEC. 1654. A dwelling is "unfit for human habitation" when it is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation, or their construction, infection with contagious disease or the existence on the premises of an insanitary condition likely to cause sickness among occupants of the dwelling.

SEC. 1655. Whenever it is determined by the state board, the local board of health, or county health officer, that a dwelling is unfit for human habitation, the state board, the local board of health, or county health officer may issue an order requiring all persons living in the dwelling to vacate it within not less than five (5) days nor more than fifteen (15) days. The order shall mention one (1) or more of the reasons for the order.

SEC. 1656. The state board, the local board of health, or county health officer, making such order shall, for a good reason, extend the time within which to comply with the vacating order. When it is satisfied that the danger from the dwelling has ceased to exist and that it is fit for habitation, it may revoke the order.

SEC. 1657. The state board, the local board of health, or county health officer, may declare a public nuisance and order to be removed, abated, suspended, altered, improved or purified any dwelling, structure, excavation, business, pursuit or thing in or about a dwelling or its lot or the plumbing, sewerage, drainage, light or ventilation of the dwelling unfit for human habitation.

SEC. 1658. The state board, the local board of health, or county health officer may order purified, cleansed, disinfected, renewed, altered, repaired or improved any dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground or thing in or about a dwelling or its lot.

SEC. 1659. The orders shall be served on the tenant and owner or his rental agent, but such order also may be served on any person who by contract has assumed the duty of doing the things which the order specifies.

SEC. 1660. Any person aggrieved by any order of a local board of health or county health officer made under the provisions of this article, may within ten (10) days after the making of the order file with the circuit or superior court a petition praying a review of the order. The court shall hear the appeal, and its decision shall be final.

SEC. 1661. The person appealing to the circuit or superior court shall file with the court a bond in an amount to be fixed by the court with sureties to be approved by the judge and conditioned to pay all the costs on the appeal in case the person fails to sustain his appeal or in the case the appeal is dismissed.

SEC. 1662. Such review proceedings shall be docketed as an action between the appellant and the local board of health or county health officer and shall be tried as civil actions are tried. The corporation counsel or the department of law in the city or town, and the prosecuting attorney in cases arising outside of cities and towns and in cities and towns which may not have a department of law or any other legal representative, shall attend to all the proceedings on the part of the local board of health or county health officer. In the event no such appeal is taken, as above provided within ten (10) days, such order of a local board of health or county health officer shall be final and conclusive.

SEC. 1663. Any person violating any provision of this article or failing to comply with any order of the state board or its duly authorized agents or a local board of health or county health officer shall be liable for all costs and expenses paid or incurred by a board of health or its duly authorized agents or a local health officer in executing the order. This may be recovered in a civil action brought by the board or its duly authorized agents or the county health officer as the case may be, who shall also recover such attorney's fees reasonable in the action.

Division 3. Tourist Camps

SEC. 1700. As used in this division, unless the content otherwise requires: "Tourist camp" means any plot of land used or maintained to be used by transient guests for a camping place, or where any part of such plot of land is so used. The term "tourist camp" shall be defined to include camping places, whether equipped with tents, tent-houses, trailers, huts, or cottages, or whether not so equipped, and regardless of whether or not a fee is charged for its use.

SEC. 1701. The state board shall have general supervision of the health and sanitary conditions of all tourists camps in the state and shall have the power to make, promulgate, and enforce rules and regulations necessary or desirable for the preservation of health and sanitary conditions.

SEC. 1702. The state board or its inspectors shall have full right of access to the premises of tourist camps at any reasonable time for the inspection of such premises.

SEC. 1703. The state board may revoke any license upon the failure of the holder to comply with the provisions of this division or any rules and regulations promulgated by the state board concerning tourist camps.

SEC. 1704. The state board shall furnish each tourist camp with at least two (2) copies of the notice of the provisions of this division and any rules and regulations promulgated by the state board hereunder.

SEC. 1705. No person shall establish or maintain a tourist camp without first obtaining a license for it from the state board.

SEC. 1706. Application shall be made in writing to the state board on a form prescribed and furnished by the state board upon request. The application shall state the location of the tourist camp, the type of camp, the approximate number of guests for which facilities are to be furnished, the probable duration of use, the proposed water supply, the proposed method of sewage and garbage disposal, and any other information required by the state board.

SEC. 1707. The state board shall cause an inspection of the premises to be made as soon as possible upon receipt of the application. If the state board is satisfied that the existing or proposed tourist camp will not be a source of danger to the health of the guests of the camp or to the general public, it shall notify the applicant of its approval and of the fees for a license.

SEC. 1708. Fees shall be charged and collected upon the basis of the number of sleeping rooms for hire or available for use by guests according to the following schedule:

(1) For tourist camp grounds offering no sleeping rooms or not more than five (5) sleeping rooms, the fee shall be five dollars ($5.00).

(2) For tourist camps with more than five (5) and less than eleven (11) sleeping rooms, the fee shall be ten dollars ($10.00).

(3) For tourist camps with eleven (11) or more sleeping rooms, the fee shall be twenty dollars ($20.00).

SEC. 1709. A fee of five dollars ($5.00) shall be charged and collected for a license to operate a tourist camp which makes no charge to guests for any of the facilities offered by the camp.

SEC. 1710. Upon receipt of the required fee and approval of the application the state board shall issue a license in writing to the person named in the application. No fee shall be charged for any state or municipally-owned and operated tourist camp.

SEC. 1711. The license shall be for a term of one (1) year from January 1 to December 31, and it shall be renewable upon the same basis as it was first issued.

SEC. 1712. Licenses shall be transferable only with the consent of the state board. The state board may, upon application, cancel a license issued for the operation of a tourist camp and issue a new license to the transferee for the balance of the year.

SEC. 1713. The owner or keeper of any tourist camp shall post near the entrance of the camp, in letters of sufficient size to be clearly visible to the occupants of automobiles entering, a notice of a schedule of fees charged by the tourist camp for accommodations.

SEC. 1714. The owner or keeper of a tourist camp shall post in one or more conspicuous places a notice of the provisions of this division and all rules and regulations of the state board in reference to sanitation and health in tourist camps.

SEC. 1715. The owner, operator, or keeper of any tourist camp shall have an innkeeper's lien or hotel keeper's lien upon the property of his guest in the same manner, for the same purposes, and subject to the same restrictions as an innkeeper's or hotel keeper's lien.

SEC. 1716. The owner, operator, or keeper of a tourist camp may eject any person from the premises for non-payment of charges or fees for accommodations, for violation of law or disorderly conduct, for violation of any regulation of the state board relating to tourist camps or for violation of any rule of the camp which is publicly posted within the camp.

SEC. 1717. Any person maintaining or operating a tourist camp without first obtaining a license or after the revocation of his license shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding three hundred dollars ($300.00) and/or imprisonment in the county jail not exceeding ninety (90) days.

SEC. 1718. Any person who obtains accommodations at a tourist camp with intent to defraud the owner or keeper shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five dollars ($25.00) and/or imprisonment for not more than thirty (30) days.

SEC. 1719. Suitable garbage containers approved by the state board shall be provided at convenient points in each tourist camp for the disposal of garbage and refuse. Any person who throws and leaves garbage and refuse upon the ground shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five dollars ($25.00).

ARTICLE 4. SANITATION

Part 3. Water Supply

Division 1. Water Supply

SEC. 1750. No person shall deposit or cause or permit to be deposited into the waters of the state any substance which is deleterious to the public health or to the prosecution of any industry or lawful occupation in which this water may be lawfully used; adversely affects any agricultural, floricultural or horticultural pursuit; lessens or impairs any livestock industry or the use of the water for domestic animals; lessens, impairs or materially interferes with the use of the water by the state or any political subdivision of it; or destroys or jeopardizes any beneficial animal, fish or vegetable life in the water.

SEC. 1751. Any person who has suffered or is threatened with damage because of pollution of water by any person may bring a suit to abate the pollution or threatened pollution. The suit shall originate in a superior or circuit court in the jurisdiction wherein the pollution occurs or is threatened.

SEC. 1752. No city, town, county, public institution, firm or corporation, or officer or employee, or other person, shall install or contract for the construction of any public water supply facilities, including water purification or treatment works, or make any material change in any such facilities or works, until plans and specifications therefor shall have been submitted to and approved by the state board of health or its duly designated representative.

SEC. 1753. No person, firm or corporation shall offer for sale for public consumption any drinking water, bottled water or mineral water which shows a bacteriological or chemical content deleterious to public health. The state board shall prohibit the further distribution or consumption of this unfit water.

SEC. 1754. At intervals designated by the state board any person offering for sale for public consumption any drinking water, bottled water or mineral water shall submit to the state board samples of such drinking water, bottled water or mineral water, natural or treated, for analysis in order to determine its potability and suitability for the purpose for which it is intended.

SEC. 1755. For the first sample of such water analyzed and tested each year, there shall be paid into the treasury of the state a sum equivalent to the cost of the analysis. The cost shall be determined by the chemist's records and shall not be less than ten dollars ($10.00).

SEC. 1756. The state board may investigate and determine if any public water supply is impure and dangerous to health. If, on hearing, the state board determines that a public water supply is impure and dangerous to health or that it is not sufficiently purified because of improper construction, inadequate size, or inefficient management or operation, it may order that such public water supply be made pure and safe to health. If it be determined that the public water supply is impure and

dangerous to public health because of inefficient management or operation, it may order the offending person to appoint, within ten (10) days, a competent person to take charge of and superintend the operation of the plant or supply works. The person so appointed must be approved by the state board and his salary shall be paid by the person operating such water supply plant or works.

SEC. 1757. Whenever any sewage treatment works or plant is not producing a reasonably pure effluent because of inefficient supervision or operation and, therefore, has made any public water supply impure or dangerous to health or has polluted a stream, water course, river, spring, lake or pond or has made a public nuisance, the state board may, after hearing, order the offender to appoint, within ten (10) days, a competent person to take charge of and superintend the operation of such sewage treatment works or plant. The person appointed to succeed must be approved by the state board and his salary shall be paid by the person operating such sewage treatment works or plant.

SEC. 1758. The provisions of this division and the laws relating to pollution of waters and public water supply shall be enforced by the state board except where jurisdiction is vested in the Stream Pollution Control Board.

SEC. 1759. All municipalities may provide the means for paying the cost of constructing plants for purifying the discharge of public sewers and drains by assessing the cost of the plant against all of the several parcels of real estate situated within their corporate limits and to make each assessment in a sum as great as, but not greater than, the value of the benefits received by each parcel respectively by reason of the construction of the plant.

SEC. 1760. Statutes for the construction of public sewers and assessing the cost of the sewers against real estate in the municipalities are hereby made applicable to the construction of sewage treatment plants and the assessing of the cost of the plant against real estate benefited.

SEC. 1761. At the option of the owner assessed, the assessment may be paid in ten (10) equal annual installments as in the case of assessments for other sewers.

SEC. 1762. If any municipality, corporation or person fails or refuses to obey an order from the state board, or in good faith fails to begin to make the changes and improvements in water purification and sewage treatment plants ordered by the state board within ten (10) days after the expiration of the time fixed by the state board for compliance with its order, or in the case of appeal, after final judgment affirming the board's order has been entered, the municipality, corporation or person failing or refusing shall become liable for and forfeit to the state the sum of five hundred dollars ($500), to be recovered by the state in a civil action brought in the circuit or superior court wherein the purification plant or sewage treatment plant is located on the relation of the attorney-general or the prosecuting attorneys of the state. Each day's delay in complying with such an order shall be a separate offense. The penalty shall be paid into the state treasury for the use of the state.

ARTICLE 4. SANITATION

Part 4. Pest Eradication

Division 1. Powers and Duties of Health Officers

SEC. 1800. That it shall be unlawful for any person, owning, leasing, occupying, possessing or having charge of any land, place, building, structure, stacks or quantities of wood, hay, corn, wheat or other grains or materials, or any vessel or water craft, to permit the same to become rat infested, and it shall be the duty of any such person, firm, copartnership, company, or corporation, upon any knowledge or notice, to at once proceed and to continue in good faith to endeavor to exterminate and destroy such rats by poisoning, trapping and other appropriate means, such as may be suggested by the state board of health or the local health officers. And it shall be the duty of the trustees of the several townships and the boards of school trustees of the several cities and towns in the State, to make provisions in the public schools under their jurisdiction for the illustrative teaching of the dissemination of diseases by rats, flies and mosquitoes and the effects thereof, and the prevention of diseases by the proper selection and consumption of food.

SEC. 1801. The state board of health and inspectors appointed by such board and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority and shall be permitted to enter into and upon all lands, places, buildings, structures, vessel or water craft for the purpose of ascertaining whether the same are infested with rats and whether the requirements of this act as to extermination and destruction thereof are being complied with: Provided, That no building occupied as a dwelling, hotel or rooming house shall be entered for such purpose except between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any day.

SEC. 1802. The board of county commissioners, with the consent of the county council of each county, and the town board of any town, or the common council of any city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when such board shall so determine that it is necessary to prevent great damage to crops, grain, food or other property, may appropriate moneys for the purchase of, and may purchase poison, traps and other materials for the purpose of eliminating and destroying rats in such county, town or city, and may employ and pay inspectors, who shall have authority to and shall prosecute such work of extermination and destruction under the direction of such board or the local health officer, or board of health, on both private and public property, in such county, town or city, and such inspectors shall have authority, when necessary, to carry out the provisions of this act, to dig into the ground, to remove parts of floors, walls or other parts of buildings or structures, or to remove from one place to another on the premises, any other property when reasonably necessary to do so: Provided, That such inspector or in-

spectors, after taking the necessary steps for the discovery and destruction of rats on any premises, shall restore the said premises, as far as may be reasonably practicable, to the condition in which the same were found.

SEC. 1803. Whenever any person, owning, leasing, occupying, possessing or having charge of any land, place, building, structure, stacks or quantities of wood, hay, corn, wheat or other grains or materials, or any vessel or water craft, which is infested with rats, shall fail, neglect or refuse to proceed and continue to endeavor to exterminate and destroy such rats, as herein required, it shall be the duty of the state board of health, or its inspectors, and the local health officer, or the local board of health, or its inspectors, at once to cause such nuisance to be abated by exterminating and destroying such rats. The expense thereof shall be a charge against the county, town or city which has, by its board or council ordered such destruction or extermination of rats, and such board or council shall allow and pay the same. When such destruction of rats is ordered by the town board or city council, the clerk of such town or city shall at once file with the county auditor a certified statement of the expense of such extermination and in any such case the county auditor shall charge the amount so expended for destroying rats, as aforesaid, against the property on which said nuisance shall have been abated, and the same shall be collected as other taxes are now collected, and when so collected shall be paid to said county, town or city to reimburse it for the amount so paid out for the destruction of rats, as aforesaid.

SEC. 1804. The Governor may annually, in the spring, designate by official proclamation, a day to be designated as "rat day" to be observed throughout the state as a day for exterminating and destroying rats about the homes and premises and public buildings and all other places, thus preventing the dissemination of disease and the destruction of property.

SEC. 1805. Any health officer or any inspector appointed under the provisions of this act shall have the right, without a warrant to enter upon or into any land, place, building, structure or premises suspected of being rat infested for the discovery or destruction of rats, and any person or number of persons who shall obstruct him in the performance of his duties shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than two (2) dollars nor more than ten (10) dollars.

SEC. 1806. Any person or school official, violating any of the provisions contained in section 1800 of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten (10) nor more than one hundred (100) dollars.

ARTICLE 5. FOODS, DRUGS, AND COSMETICS

Part 1. Definitions and General Provisions

SEC. 1900. This article may be cited as the "Uniform Indiana Food, Drug, and Cosmetic Act."

SEC. 1901. This article is intended to enact State Legislation:

(a) Which safeguards the public health and promotes the public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food, drugs, devices, and cosmetics; and

(b) Which is uniform, as provided in this article, with the Federal Food, Drug, and Cosmetic Act and with the Federal Trade Commission Act, to the extent it expressly outlaws the false advertisement of food, drugs, devices, and cosmetics; and

(c) Which thus promotes uniformity of such laws and their administration and enforcement, in and throughout the United States.

SEC. 1902. As used in this article, unless the context otherwise requires:

(a) The term "Federal Act" means the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.) and amendments thereto. Whenever in this article a department or agency of the Federal Government is referred to it shall mean and include any department or agency of the Federal Government to which the duties, powers or functions may be hereafter transferred or given.

(b) The term "intrastate commerce" means any and all commerce within the State of Indiana and subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

(c) The term "sale" means any and every sale and includes (1) manufacture, processing, transporting, handling, packing, canning, bottling, or any other production, preparation, or putting up; (2) exposure, offer, or any other proffer; (3) holding, storing, or any other possession; (4) dispensing, giving, delivering, serving, or any other supplying; and (5) applying, administering, or any other using.

(d) The term "food" means (1) articles used for food, drink, confectionery or condiment for man; (2) chewing gum, and (3) articles for components of any such article.

(e) The term "drug" means (1) articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

(f) The term "device" (except when used in paragraph "l" of this section and in sections 1903 (h), 1958, 1980, and 2007), means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(g) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

(h) The term "official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(i) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this article that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(j) The term "immediate container" does not include package liners.

(k) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(l) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(m) The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(n) The term "New Drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or

suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(o) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

(p) The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

SEC. 1903. The following acts and the causing thereof are hereby prohibited:

(a) The sale in intrastate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in intrastate commerce.

(c) The receipt in intrastate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the sale thereof in such commerce for pay or otherwise.

(d) The sale of any article in violation of sections 1964, 1990, 1991, 1992, and 1993.

(e) The dissemination of any false advertisement.

(f) The refusal to permit access to or copying of any record as required by section 1911.

(g) The refusal to permit entry or inspection and collecting samples as authorized by sections 1909 and 1912.

(h) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this article.

(i) The using by any person to his own advantage, or revealing, other than to the secretary or duly authorized representative, or to the courts when relevant in any judicial proceeding under this article any information acquired under authority of sections 1990, 1991, 1992, 1993, or 1912 concerning any method or process which as a trade secret is entitled to protection.

(j) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

(k) The using, on the labeling of any drug or in any advertising relating to such drug, of any representation or suggestion that an application with respect to such drug is effective under sections 1990, 1991, 1992, or 1993 that such drug complies with the provisions of such section.

(l) The removal or disposal of a quarantined article in violation of sections 1921 to and including 1934.

(m) The giving of a guaranty or undertaking in intrastate commerce, referred to in section 1918 that is false.

SEC. 1904. In addition to the remedies hereinafter provided, the secretary is hereby authorized to apply to the proper circuit or superior court for, and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of section 1903; irrespective of whether or not there exists an adequate remedy at law.

SEC. 1905. An advertisement of a food, drug, device, or cosmetic shall be deemed to be false, if it is false or misleading in any particular.

SEC. 1906. The advertisement of a drug or device representing it to have any effect in:

albuminuria
appendicitis
arteriosclerosis
blood poison
bone disease
Bright's disease
cancer
carbuncles
cholecystitis
diabetes
diphtheria
dropsy
erysipelas
gallstones
heart and vascular diseases
high blood pressure
mastoiditis
measles
meningitis
mumps
nephritis
otitis media
paralysis
pneumonia
poliomyelitis (infantile paralysis)
prostate gland disorders
pyelitis
scarlet fever
sexual impotence
sinus infection
smallpox
tuberculosis
tumors
typhoid
uremia
venereal disease

shall also be deemed to be false; except that no advertisement not in violation of section 1905 shall be deemed to be false under this section if it is disseminated only to members of the medical, dental, pharmacal, and other legally recognized professions dealing with the healing arts, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices: Provided, That whenever the state board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the state board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the state board may deem necessary in the interests of public health: Provided further, That this section shall not be construed

as indicating that self-medication for diseases other than those named herein is safe or efficacious.

SEC. 1907. The purpose of this article being to promote uniformity with the Federal Act, in safeguarding the public health and in promoting public welfare, the state board is hereby authorized to adopt, insofar as applicable, the regulations from time to time promulgated by the Federal Security Administrator under the Federal Act.

SEC. 1908. Except to the extent that the state board adopts the applicable regulations from time to time promulgated by the Federal Security Administrator under the Federal Act the state board before promulgating any regulation contemplated by sections 1950, 1962, 1964, 1981, 1983, 1984 (exclusive of the provisos contained therein), or 1985, or 1906 shall give appropriate notice of the proposal and of the time and place for a public hearing to be held thereon as provided by law.

SEC. 1909. The state board shall cause the investigation and examination of food, drugs, devices, and cosmetics subject to this article. The secretary or his duly authorized representative shall have the right (1) to take a sample or specimen of any such merchandise, for examination under this article, upon tendering the market price therefor to the person having such merchandise in custody; and (2) to enter any place, establishment, or vehicle within this state, at reasonable times, for the purpose of taking a sample or specimen of any such merchandise, for such examination.

SEC. 1910. For the purpose of enforcing the provisions of this article, pertinent records of any administrative agency of the State Government shall be open to inspection by the secretary or his duly authorized representative.

SEC. 1911. For the purpose of enforcing the provisions of this article, carriers engaged in commerce, and persons receiving food, drugs, devices, or cosmetics in commerce or holding such articles so received, shall upon the request of an officer or employee duly designated by the state board permit such officer or employee, at reasonable times, to have access to and to copy all records showing the movement in commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof; and it shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such records so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates: Provided, That evidence obtained under this section shall not be used in a criminal prosecution of the person from whom obtained.

SEC. 1912. For the purpose of enforcing the provisions of this article, the secretary, or his duly authorized representative, is authorized (1) to enter, at reasonable times, any factory, warehouse, place of production, or establishment subject to this article or to enter any ve-

hicle being used to transport or hold food, drugs, devices, or cosmetics; and (2) to inspect at reasonable times, such factory, warehouse, place of production, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling, and advertisements therein.

SEC. 1913. The secretary may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this article, including the nature of the charge and the disposition thereof.

SEC. 1914. The secretary may cause to be disseminated information regarding food, drugs, devices, or cosmetics in situations involving, in the opinion of the secretary, imminent danger to health or gross deception of, or fraud upon, the consumer. Nothing in this section shall be construed to prohibit the secretary from collecting, reporting, and illustrating the results of his examinations and investigations under this article.

SEC. 1915. This article and the regulations promulgated hereunder, insofar as applicable, shall be so interpreted and construed as to effectuate its general purpose to enact state legislation uniform with the Federal Act.

SEC. 1916. Any person who violates any of the provisions of section 1903 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than six months or a fine of not less than $10.00 nor more than $1,000.00, or both such imprisonment and fine; and for the second or subsequent offense shall be subject to imprisonment for not more than two years, or a fine of not less than $50.00 nor more than $2,000.00, or both such imprisonment and fine.

SEC. 1917. Notwithstanding the provisions of section 1916, in case of a violation of any provisions of section 1903 with intent to defraud or mislead, the penalty shall be imprisonment for not more than two years, or a fine of not less than $50.00 nor more than $2,000.00, or both such imprisonment and fine.

SEC. 1918. No person shall be subject to the penalties of section 1916 of this article, for having violated section 1903(a) or 1903(c) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this article or the Federal Act.

SEC. 1919. No publisher, radio-broadcast licensee, advertising agency, or agency or medium for the dissemination of advertising, except the manufacturer, packer, distributor, or seller of the article to which the advertisement relates, shall be subject to the penalties of section 1916 by reason of his dissemination of any false advertisement, unless he has refused on the request of the secretary to furnish the name and address of the manufacturer, packer, distributor, seller, or

advertising agency in the United States, who caused him to disseminate such false advertisement.

SEC. 1920. No person shall be subject to the penalties of sections 1916 or 1917 of this article if such person has been acquitted or convicted under the Federal Act of the same act or omission which, it is alleged, constitutes a violation of this article.

SEC. 1921. Whenever a duly authorized agent of the state board finds, or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this article, he shall affix to such merchandise a tag or other appropriate marking, giving notice that such merchandise is, or is suspected of being, adulterated or misbranded and has been detained or embargoed for a period of five days in the case of food and for a period of ten days in the case of drugs and cosmetics, and warning all persons not to remove or dispose of such merchandise by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed merchandise by sale or otherwise without such permission. The claimant shall be authorized to destroy the merchandise so detained if such merchandise is destroyed under the supervision of an agent of the state board. When any such agent has found that merchandise so detained or embargoed is not adulterated or misbranded he shall remove the tag or other marking.

SEC. 1922. When any merchandise detained or embargoed under section 1921 has been found by such agent to be adulterated or misbranded, he shall within five days thereafter cause to be filed a petition in any circuit or superior court or before the judge thereof in vacation in whose jurisdiction the merchandise is detained or embargoed for a libel for condemnation of such merchandise as herein provided. The proceedings shall be brought in the name of the state by the prosecuting attorney of the county in which a violation occurs against the merchandise, and libel shall be verified by a duly authorized agent of the state board. The libel shall describe the merchandise, state its location, state the name of the person, firm or corporation in actual possession, state the name of the owner, if known to the duly authorized agent of the state board, and allege the particular violation which is claimed to exist, and otherwise conform to the requirements of a libel for condemnation of an adulterated or misbranded food, drug, device, or cosmetic in the United States courts.

SEC. 1923. Upon the filing of such libel, the court, or, if in vacation, the judge thereof, shall promptly cause process to issue to the sheriff commanding him to seize the goods described in the libel and to hold the same for further order of the court. The sheriff shall, at the time of seizure, serve a copy of said process upon the owner of said merchandise. At the expiration of thirty days after such seizure, if no claimant has appeared to defend said libel, the court or the judge thereof in vacation shall order the sheriff to destroy said seized merchandise.

SEC. 1924. Any person, firm or corporation having an interest in the alleged adulterated or misbranded foods, drugs, devices, or cosmetics, or any person, firm or corporation against whom a civil or criminal liability would exist if said merchandise is adulterated or misbranded, may, at any time before destruction of the merchandise, appear and file answer or demurrer to the libel. Such appearance and answer or demurrer shall be filed in open court, or if in vacation, with the clerk or judge thereof. The answer or demurrer shall allege the interest or liability of the party filing it. In all other respects the issues shall be made up as in other civil actions.

SEC. 1925. The right of change of venue from the county and the right of change of judge and the right of trial by jury shall exist as in civil cases.

SEC. 1926. At any time before trial, the defense may file with the court, or the clerk or judge thereof in vacation, a written election to divide the libeled merchandise into lots, each of said lots to be described in the election in such way as to enable it to be distinguished. If different parties are defending as to separate lots, the court or judge shall proceed to docket as many separate actions as there are separate defenders. The duly authorized agent of the state board may dismiss as to any lot or lots without prejudice to his proceeding against all other lots in the same seizure. Those defending may consent to the destruction of any lot or lots without prejudice to their right to defend against the condemnation of all other lots in the same seizure.

SEC. 1927. The court or jury trying the cause shall determine whether the contents of each separate lot are adulterated or misbranded and the judgment shall so specify and further order the destruction by the sheriff of all lots found to be adulterated or misbranded, and the return by the sheriff of all lots not found to be adulterated or misbranded.

SEC. 1928. Under no condition shall any personal judgment be rendered against any defender, except that, when any merchandise is ordered destroyed, the court may give judgment against the person, firm or corporation defending as to such condemned merchandise, for that part of the costs occasioned by such defender.

SEC. 1929. Whenever any libeled merchandise is ordered returned, it shall be the duty of the sheriff to immediately return it to the place of seizure. The sheriff and his bondsmen shall be liable for any damage to said merchandise while in the custody of the sheriff, which damage was due to negligence, wilfulness or carelessness upon the part of the sheriff or his deputies or agents. No subsequent proceeding in said cause, or new trial, shall in any way involve any returned merchandise.

SEC. 1930. Any defender may move for a new trial and may appeal to the appellate court in the manner provided by law for appeals in civil actions. Any appeal bond shall be fixed in such amount as to cover the reasonable costs of preserving the condemned merchandise for the probable time of appeal and the court costs. If an appeal is not prosecuted to determination, or if the judgment of the trial court is affirmed, the defender or defenders praying the appeal shall be liable

for the costs adjudged against them in the trial court, the costs of appeal, and the actual reasonable cost of preserving the condemned merchandise during the appeal period. In all appeals provided for herein, the appellate court shall advance such causes and dispose of them as speedily as possible with due regard to the rights of the parties.

SEC. 1931. No judgment in such a condemnation proceeding shall be admissible as evidence in any other legal proceeding.

SEC. 1932. All costs not adjudicated against the defenders in accordance with the provisions herein, shall be determined and collected in the manner provided by law for the determination and collection of costs in unsuccessful criminal prosecutions.

SEC. 1933. Where not otherwise herein provided, the procedure and practice shall conform, as nearly as possible, to the procedure and practice of civil actions.

SEC. 1934. If the court finds that detained or embargoed merchandise is adulterated or misbranded, such merchandise shall, after entry of the judgment or decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent; and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such merchandise or his agent: Provided, That when the adulteration or misbranding can be corrected by proper labeling or processing of the merchandise, the court, after entry of the decree or judgment and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such merchandise shall be so labeled or processed, has been executed, may by order direct that such merchandise be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the state board. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the merchandise on representation to the court by the secretary that the merchandise is no longer in violation of this article, and that the expenses of such supervision have been paid.

SEC. 1935. Any dairy product, meat, meat product, seafood, poultry, confectionery, bakery product, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, is hereby declared to be a nuisance. Whenever the secretary or any of his duly authorized agents shall find in any room, building, vehicle of transportation, or other structure, or on any premises any such perishable food or food product as aforesaid, the secretary or his authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsaleable as human food.

SEC. 1936. It shall be the duty of each prosecuting attorney to whom the secretary or his authorized agent reports any violation of this article to cause appropriate proceedings to be instituted in the proper court, without delay, and to be duly prosecuted as prescribed by law.

SEC. 1937. Before any violation of this article is reported by the secretary or his authorized agent to any such prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the secretary or his authorized agent, either orally or in writing, with regard to such contemplated proceeding.

SEC. 1938. Nothing in this article shall be construed as requiring the secretary or his authorized agent to report for the institution of proceedings under this article, minor violations of this article, whenever he believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

ARTICLE 5. FOODS, DRUGS, AND COSMETICS

Part 2. Foods

SEC. 1950. Whenever any definitions or standard of identity, quality or fill of container for any food or class of food are promulgated under authority of the Federal Act or the Federal Meat Inspection Act of 1907, as amended, the state board shall promptly promulgate said definitions and standards for Indiana. Whenever, with regard to any other food or class of food, the state board shall find that such action will promote honesty and fair dealing in the interest of consumers, the state board shall promulgate regulations fixing and establishing for any such food or class of food a reasonable definition and standard of identity, and a reasonable standard of quality and fill of container. In prescribing a definition and standard of identity for any such food or class of food in which optional ingredients are permitted, the state board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label.

SEC. 1951. A food shall be deemed to be adulterated: (1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 1966; or (3) if it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, transported, handled, prepared, packed, or held under insanitary conditions or in insanitary containers whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or (5) if it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

SEC. 1952. A food shall be deemed to be adulterated: (1) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is or create a deceptive appearance: Provided, That clauses (1) and (2) of this section shall not prohibit the removal of butterfat from or the addition of skim milk to dairy products which comply with definitions and standards for such products as adopted by the state board.

SEC. 1953. A food shall be deemed to be adulterated if it bears or contains a coal-tar color other than one from a batch which has been certified by the Federal Food and Drug Administrator, as provided by regulations promulgated under authority of the Federal Act.

SEC. 1954. A food shall be deemed to be adulterated if it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum, and pectin: Provided, That this section shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

SEC. 1955. A food shall be deemed to be adulterated if it falls below the standard of purity, quality, or strength which it purports or is represented to possess.

SEC. 1956. A food shall be deemed to be misbranded: (1) if its labeling is false or misleading in any particular; or (2) if it is offered for sale under the name of another food; or (3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; or (4) if its container is so made, formed, or filled as to be misleading.

SEC. 1957. A food shall be deemed to be misbranded, if in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the state board.

SEC. 1958. A food shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SEC. 1959. A food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 1950, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

SEC. 1960. A food shall be deemed to be misbranded if it purports to be or is represented as (1) a food for which a standard of quality

has been prescribed by regulations as provided by section 1950 and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (2) a food for which a standard or standards of fill of container have been prescribed by regulation as provided by section 1950 and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

SEC. 1961. A food shall be deemed to be misbranded if it is not subject to the provisions of section 1959, unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each: Provided, That to the extent that compliance with the requirements of clause (2) of this section is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state board.

SEC. 1962. A food shall be deemed to be misbranded if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the state board determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

SEC. 1963. A food shall be deemed to be misbranded if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: Provided, That to the extent that compliance with the requirements of this section is impracticable, exemptions shall be established by regulations promulgated by the state board. The provisions of this section and sections 1959 and 1961 with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

SEC. 1964. Every manufacturer, processor, repackager or wholesale distributor of food, drugs or cosmetics, who maintains a place of business in this state, shall file with the state board, upon forms to be furnished by the state board, a written statement of the name and address of the owner, the character of the business, and the business address of each such place of business in the state. That no new place of business for the manufacture, processing, repacking or wholesale distribution of food, drugs, or cosmetics may be established in this state until it has been registered as herein above provided. That in case of change of ownership of any registered place of business, the new owner shall re-register said place of business before operating the same.

SEC. 1965. Food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling require-

ments of this article, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is otherwise subject to all the applicable provisions of this article.

SEC. 1966. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of section 1951; but when such substance is so required or cannot be so avoided, the state board shall promulgate regulations limiting the quantity therein or thereon to such extent as the state board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 1951. (While such a regulation is in effect limiting the quantity of any such substances in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) section 1951.) In determining the quantity of such added substance to be tolerated in or on different articles of food, the state board shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

ARTICLE 5. FOODS, DRUGS, AND COSMETICS

Part 3. Drugs and Devices

SEC. 1975. A drug or device shall be deemed to be adulterated (1) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch which has been certified by the Federal Food and Drug Administrator, as provided by regulations promulgated under authority of the Federal Act.

SEC. 1976. A drug or device shall be deemed to be adulterated if it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set for in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed by the Federal Security Administrator in regulations promulgated under authority of the Federal Act. No drug defined in an official compendium shall be deemed to be adulterated under this section because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

SEC. 1977. A drug or device shall be deemed to be adulterated if it is not subject to the provisions of section 1976 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

SEC. 1978. A drug or device shall be deemed to be adulterated if it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

SEC. 1979. A drug or device shall be deemed to be misbranded: (a) if its labeling is false or misleading in any particular, or (b) if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this

section reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the state board.

SEC. 1980. A drug or device shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SEC. 1981. A drug or device shall be deemed to be misbranded if it is for use by man and contains any quantity of the narcotic or hypnotic substance

Alpha eucaine	chloral	morphine
barbituric acid	cocoa	opium
beta eucaine	cocaine	paraldehyde
bromal	codeine	peyote
cannabis	heroin	sulphonmethane
carbromal	marihuana	

or any chemical derivative of such substance, which derivative has been by the state board, after investigation found to be, and by regulations under this article, or by regulations promulgated by the Federal Security Administrator under authority of the Federal Act, designated as habit forming; unless its label bears the name, and quantity or proportion of such substance or derivative and in juxta-position therewith the statement "Warning—May be habit forming."

SEC. 1982. A drug or device shall be deemed to be misbranded if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any

bromides	antipyrine	digitalis glucosides
ether	atropine	mercury
chloroform	hyoscine	ouabain
acetanilid	hyoscyamine	strophanthin
acetphenetidin	arsenic	strychnine
amidopyrine	digitalis	thyroid

or any derivative or preparation of any such substances, contained therein: Provided, That to the extent that compliance with the requirements of clause (2) of this section is impracticable, exemption shall be established by regulations promulgated by the state board.

SEC. 1983. A drug or device shall be deemed to be misbranded unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: Provided,

That where any requirement of clause (1) of this section, as applied to any drug or device, is not necessary for the protection of the public health, the state board shall promulgate regulations exempting such drug or device from such requirement.

SEC. 1984. A drug or device shall be deemed to be misbranded if it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein: Provided, That the method of packing may be modified with the consent of the state board in accordance with regulations promulgated by the Federal Security Administrator under authority of the Federal Act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

SEC. 1985. A drug or device shall be deemed to be misbranded if it has been found by the Federal Security Administrator or the state board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Federal Security Administrator or the state board shall be regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Federal Security Administrator or the state board shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

SEC. 1986. A drug or device shall be deemed to be misbranded (1) if it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

SEC. 1987. A drug or device shall be deemed to be misbranded if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

SEC. 1988. A drug or device which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling and packaging requirements of this article, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is otherwise subject to all the applicable provisions of this article.

SEC. 1989. A drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail), shall if—

(1) such physician, dentist, or veterinarian is licensed by law to administer such drug, and

(2) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian, be exempt from the requirements of sections 1979 to and including 1987.

SEC. 1990. No person shall introduce or deliver for introduction into intrastate commerce any new drug unless (1) an application with respect thereto has become effective under authority of the Federal Act, or (2) when not subject to the Federal Act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug, there has been filed with the secretary an application setting forth (a) full reports of investigations which have been made to show whether or not such drug is safe for use; (b) a full list of the articles used as components of such drug; (c) a full statement of the composition of such drug; (d) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (e) such samples of such drug and of the articles used as components thereof as the secretary may require; and (f) specimens of the labeling proposed to be used for such drug.

SEC. 1991. An application provided for in clause (2) of section 1990 shall become effective on the sixtieth day after the filing thereof, except that if the secretary finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, he shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

SEC. 1992. Sections 1900 and 1991 shall not apply—

(1) to a drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail), if such physician, dentist, or veterinarian is licensed by law to administer such drug, and such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian; or

(2) to a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs provided the drug is plainly labeled "For investigational use only"; or

(3) to a drug sold in this state at any time prior to the enactment of this article or introduced into interstate commerce at any time prior to the enactment of the Federal Act; or

(4) to a drug which is licensed under the Virus, Serum, and Toxin Act of July 1, 1902 (U.S.C., 1934 ed., title 42, chap. 4), or the Virus, Serums, Toxins, Antitoxins and Analogous Products Act of March 4, 1913 (U.S.C., 1934, ed., title 21, chap. 5).

SEC. 1993. An order refusing to permit an application under sections 1990 and 1991 to become effective may be revoked by the secretary.

ARTICLE 5. FOODS, DRUGS, AND COSMETICS

Part 4. Cosmetics

SEC. 2000. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual: Provided, That this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this section and section 2004 the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

SEC. 2001. A cosmetic shall be deemed to be adulterated if it consists in whole or in part of any filthy, putrid, or decomposed substance.

SEC. 2002. A cosmetic shall be deemed to be adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

SEC. 2003. A cosmetic shall be deemed to be adulterated if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

SEC. 2004. A cosmetic shall be deemed to be adulterated if it is not a hair dye and it bears or contains a coal-tar color other than one from a batch which has been certified by the Federal Food and Drug Administrator, as provided by regulations promulgated under authority of the Federal Act.

SEC. 2005. A cosmetic shall be deemed to be misbranded if its labeling is false or misleading in any particular.

SEC. 2006. A cosmetic shall be deemed to be misbranded if in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this section reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the state board.

SEC. 2007. A cosmetic shall be deemed to be misbranded if any word, statement, or other information required by or under authority of this article to appear on the label or labeling is not prominently

placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SEC. 2008. A cosmetic shall be deemed to be misbranded if its container is so made, formed, or filled as to be misleading.

SEC. 2009. A cosmetic which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where it was originally processed or packed, is exempted from the affirmative labeling requirements of this article, while it is in transit in intrastate commerce from the one establishment to the other, if such transit is made in good faith for such completion purposes only; but it is otherwise subject to all the applicable provisions of this article.

ARTICLE 6. MISCELLANEOUS

Part 1. Weights and Measures

SEC. 2100. The division of weights and measures of the state board of health created by Chapter 37 of the Acts of 1947 is preserved and continued. All the rights, powers and duties provided for, granted or imposed upon the state food and drug commissioner, the commissioner of weights and measures or the state board of health by each of the following Acts, to wit:

Chapter 153 of the Acts of 1917,
Chapter 231 of the Acts of 1921,
Chapter 44 of the Acts of 1923,
Chapter 86 of the Acts of 1925,
Chapter 171 of the Acts of 1925,
Chapter 177 of the Acts of 1931,
Chapter 62 of the Acts of 1933,
Chapter 65 of the Acts of 1935, and
Chapter 98 of the Acts of 1935

are hereby imposed upon said division of weights and measures of the state board of health.

ARTICLE 6. MISCELLANEOUS

Part 2. Mattresses and Bedding

SEC. 2200. All of the rights and powers and duties provided for, granted or imposed upon the state board of health or any health officer by the provision of Chapter 224 of the Acts of 1913 or any amendments thereto, are hereby preserved and continued in said state board of health and in said health offices.

ARTICLE 6. MISCELLANEOUS

Part 3. Oleomargarine

SEC. 2300. As used in this part, unless the content otherwise requires: "Butter" means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter. Certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as oleomargarine, namely: all substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat and offal fat, made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter.

SEC. 2301. The state board or its duly authorized agents shall be charged with the enforcement of the provisions of this part.

SEC. 2302. It shall be unlawful for any person to sell, expose or offer for sale or exchange, or have in his possession for the purpose of sale or exchange any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless each and every vessel, package, roll, carton, or parcel of such substance has distinctly and durably printed, stamped, or stenciled thereon the true name of the substance in plain Gothic letters of not less than twenty-point type, and the name and address of the manufacturer in plain Gothic letters of not less than nine-point type.

SEC. 2303. It shall be unlawful for any person to use in any way, in connection or association with the sale or exposure for sale or advertisement of oleomargarine, the word "milk," "butter," "creamery," "dairy," pictures of dairy cows or dairy farms or the name or representation of any breed of dairy cattle, or any other words or symbols or combinations commonly used in the sale of butter and other dairy products.

SEC. 2304. Every person conducting any hotel, dining room, restaurant, lunch room, or any other public eating place where oleomargarine is served shall print in plain English in a conspicuous place on the bill of fare or menu, the words "oleomargarine served here" and shall display signs bearing the words "oleomargarine served here" on at least two sides of the room, in such manner that they may be easily and readily seen and read from all tables and counters on which the food is served. The type in which the legend "oleomargarine served here" is printed shall not be less conspicuous or smaller in size than that used in the remainder of the bill of fare or menu. Display signs shall bear only the legend "oleomargarine served here" and shall be printed in bold-faced black Gothic type not less than two inches high; Provided, That the provisions of this part shall not be construed to apply to hotels, restaurants, lunch rooms, and other public eating places where oleomargarine is used in the preparation of food served therein, but shall be construed to apply only where oleomargarine is served on the table, counter, or other eating place in lieu of or as a substitute for butter.

General Penalty

SEC. 2350. Any failure to comply with any valid rule of the state board or any of the provisions of this act shall constitute a misdemeanor. Any person who violates a valid rule of the state board or fails to comply with any provision of this act and for which a specific criminal penalty is not provided in this act shall be guilty of a misdemeanor and shall be fined a sum not to exceed five hundred dollars ($500.00). Each violation shall constitute a separate offense and each day a violation continues shall constitute a separate offense. For a second offense such person shall be fined in any sum not to exceed one thousand dollars ($1,000.00) and for a third offense and for any offense subsequent to a

third offense such person shall be fined in any sum not to exceed one thousand dollars ($1,000.00) to which may be added imprisonment for any determinate period not exceeding ninety (90) days.

Repeal and General

SEC. 2400. The following acts and parts of acts are hereby expressly and specifically repealed:

Chapter 19 of the Acts of 1881;
Chapter 15 of the Acts of 1891;
Chapter 26 of the Acts of 1901;
Chapter 83 of the Acts of 1903;
Section 213 of Chapter 129 of the Acts of 1905;
Sections 539, 540, 542, 543, 544, 545, 546, 547, 548, 550, 551 and 552 of Chapter 169 of the Acts of 1905;
Chapter 104 of the Acts of 1907;
Chapter 145 of the Acts of 1907;
Chapter 163 of the Acts of 1907;
Chapter 165 of the Acts of 1907;
Chapter 24 of the Acts of 1909;
Chapter 144 of the Acts of 1909;
Chapter 71 of the Acts of 1911;
Chapter 72 of the Acts of 1911;
Chapter 129 of the Acts of 1911;
Chapter 240 of the Acts of 1911;
Chapter 35 of the Acts of 1913;
Chapter 41 of the Acts of 1913;
Chapter 69 of the Acts of 1913;
Chapter 206 of the Acts of 1913;
Chapter 220 of the Acts of 1913;
Chapter 5 of the Acts of 1915;
Chapter 42 of the Acts of 1915;
Chapter 3 of the Acts of 1917;
Chapter 21 of the Acts of 1917;
Chapter 149 of the Acts of 1917;
Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Chapter 56 of the Acts of 1919;
Chapter 166 of the Acts of 1919;
Chapter 179 of the Acts of 1919;
Chapter 38 of the Acts of 1921;
Chapter 136 of the Acts of 1923;
Chapter 107 of the Acts of 1925;
Chapter 45 of the Acts of 1927;
Chapter 118 of the Acts of 1927;
Chapter 194 of the Acts of 1927;
Chapter 90 of the Acts of 1929;
Chapter 212 of the Acts of 1929;
Chapter 83 of the Acts of 1935;
Chapter 214 of the Acts of 1935;
Chapter 217 of the Acts of 1935;
Chapter 259 of the Acts of 1935;

Chapter 271 of the Acts of 1935;
Chapter 261 of the Acts of 1937;
Chapter 5 of the Acts of 1939;
Chapter 12 of the Acts of 1939;
Chapter 33 of the Acts of 1939;
Chapter 38 of the Acts of 1939;
Chapter 214 of the Acts of 1941;
Chapter 225 of the Acts of 1941;
Chapter 162 of the Acts of 1943;
Chapter 219 of the Acts of 1943;
Chapter 222 of the Acts of 1943;
Chapter 264 of the Acts of 1943;
Chapter 297 of the Acts of 1943;
Chapter 16 of the Acts of 1945;
Chapter 89 of the Acts of 1945;
Chapter 101 of the Acts of 1945;
Chapter 154 of the Acts of 1945;
Chapter 173 of the Acts of 1945;
Chapter 193 of the Acts of 1945;
Sections 2, 3, 4, 5, 6, and 7 of Chapter 352 of the Acts of 1945;
Chapter 139 of the Acts of 1947;
Chapter 173 of the Acts of 1947;
Chapter 202 of the Acts of 1947;
Chapter 228 of the Acts of 1947;
Chapter 271 of the Acts of 1947; and
Chapter 282 of the Acts of 1947.

SEC. 2401. All other acts or parts of acts now in effect inconsistent with the provisions of this act are hereby repealed and superseded to the extent of such inconsistency and so far as necessary to conform to and give full force and effect to the provisions of this act.

SEC. 2402. In case any section, provision, or part of this act, or application thereof shall be declared unconstitutional or invalid, it shall not in any way affect any other section, provision, or part hereof or any other application hereof.

SEC. 2403. Whereas an emergency exists for the more immediate taking effect of this act, the same shall be in full force and effect from and after July 1, 1949.